

**“EXHIBIT A”**

**CONDITIONS OF APPROVAL FOR THE BEJARANO CANNABIS  
CULTIVATION PROJECT INCLUDING CONDITIONAL USE PERMIT (CUP 327)  
AND ARCHITECTURAL REVIEW (AR 20-06)**

**General Conditions:**

1. Conditional Use Permit (CUP 327) and Architectural Review (AR 20-06) hereby approve the development of a commercial cannabis cultivation facility with no retail sales of cannabis products, totaling 225,705 square feet including an Interim Use Facility. The owner and/or any lessees shall procure approvals of a City Cannabis Regulatory Permit prior to the commencement of any cannabis cultivation, cannabis manufacturing, or cannabis distribution business operations. The interim use facility shall be allowed for a maximum of 36 months, or prior to construction of the first phase, whichever occurs first.
2. Architectural Review (AR 20-06) and Conditional Use Permit (CUP 297) shall be valid for 12 months from the effective date unless an extension of time is requested by the applicant and granted by the Planning Commission. Issuance of building permits and pursuit of construction will vest the Architectural Review and Conditional Use Permit.
3. All masonry perimeter walls shall be decorative masonry with decorative cap subject to review by the Development Services Director, and subject to the City’s Building Codes. The use of wrought iron gates with decorative posts and finials may be allowed.
4. All plans, as shown, are considered “conceptual,” subject to revisions as called out by the conditions of this resolution. The plans shall not be stamp-approved until all conditions requesting revisions have been satisfied during the building plan check process. Any substantial changes to the plans, including changes shown on future building permit plans deemed by Staff to not be within substantial conformance with this approval, will require an amendment to the approval of Architectural Review No. 20-06, including architectural features, materials, and site layout.
5. The owner and any lessee shall pay the City’s cannabis floor area tax, the cannabis cultivation production tax, and the cannabis manufacturing production taxes, on a quarterly basis.
6. The owner shall voluntarily enter into a Business Agreement with the City of Coachella to require that a minimum of 80% of all persons employed at the cannabis cultivation facility are Coachella residents. The Business Agreement shall further stipulate that the owner voluntarily agrees to pay the City a 1% royalty fee on any cannabis products that are manufactured outside of the City of Coachella boundaries, but which use the name “Coachella” in its branding.
7. The project shall comply with all applicable codes, laws and regulations, regardless of whether they are listed in these conditions. This includes conformance with the requirements of the adopted C.B.C., C.P.C., C.M.C., N.E.C., including all requirements of the South Coast

Air Quality Management District, the Riverside County Fire Marshal's Office and any requirements by any other agency having jurisdiction over the project.

8. The applicant will agree to defend and indemnify the City of Coachella against all claims, actions, damages, and losses, including attorney fees and costs, in the event that anyone files legal challenges to the approval of this project on the basis of the California Environmental Quality Act (CEQA). Prior to the issuance of building permits, the applicant shall execute a standard indemnification agreement subject to review by the City Attorney.
9. All plan check submittals are the responsibility of the developer; this includes plan submittals to the City of Coachella Building Division, City of Coachella Utilities Division, City of Coachella Engineering Department, Riverside County Fire Marshal's Office, and outside agencies whose review and approval is required.

Mitigation Measures – Biological Resources:

10. The State of California prohibits the "take" of active bird nests. To avoid an illegal take of active bird nests, any grubbing, brushing or tree removal should be conducted outside of the the State identified nesting season (Raptor nesting season is February 15 through July 31; and migratory bird nesting season is March 15 through September 1). Alternatively, the site shall be evaluated by a qualified biologist prior to the initiation of ground disturbance to determine the presence or absence of nesting birds. Active bird nests MUST be avoided during the nesting season. If an active nest is located in the project construction area it will be flagged and a 300-foot avoidance buffer placed around it. No activity shall occur within the 300-foot buffer until the young have fledged the nest.

Mitigation Measures – Cultural Resources:

11. Should any cultural resources be encountered during construction of these facilities, earthmoving or grading activities in the immediate area of the finds shall be halted and an onsite inspection shall be performed immediately by a qualified archaeologist. Responsibility for making this determination shall be with the City's onsite inspector. The archaeological professional shall assess the find, determine its significance, and make recommendations for appropriate mitigation measures within the guidelines of the California Environmental Quality Act.\

Mitigation Measures – Geology and Soils:

12. Prior to initiating grading, the site developer shall provide a geotechnical evaluation of the potential liquefaction hazards at the site and, if a hazard exists at the proposed project location, the evaluation shall define design measures that will ensure the safety of any new structures in protecting human life in the event of a regional earthquake affecting the site. The developer shall implement any design measures required to protect human safety.
13. Stored backfill material shall be covered with water resistant material during periods of heavy precipitation to reduce the potential for rainfall erosion of stored backfill material. If covering is not feasible, then measures such as the use of straw bales or sand bags shall be

used to capture and hold eroded material on the project site for future cleanup.

14. All exposed, disturbed soil (trenches, stored backfill, etc.) shall be sprayed with water or soil binders twice a day, or more frequently if fugitive dust is observed migrating from the site within which the Bejarano Cannabis Cultivation Facility is being constructed.

Mitigation Measures – Noise:

15. All construction vehicles and fixed or mobile equipment shall be equipped with properly operating and maintained mufflers.
16. All employees that will be exposed to noise levels greater than 75 dB over an 8 hour period shall be provided with adequate hearing protection devices to ensure no hearing damage will result from construction activities.
17. No exterior construction activities shall occur during the hours of 5:30 PM through 6 AM, Monday through Friday between October 1st and April 30th, and 7 PM and 5 AM Monday through Friday between May 1st and September 30th; all year between the hours of 5 PM and 8 AM on Saturdays, Sundays, and holidays, unless a declared emergency exists.
18. Equipment not in use for five minutes shall be shut off.
19. Equipment shall be maintained and operated such that loads are secured from rattling or banging.
20. Construction employees shall be trained in the proper operation and use of equipment consistent with these mitigation measures, including no unnecessary revving of equipment.
21. The City will require that all construction equipment be operated with mandated noise control equipment (mufflers or silencers). Enforcement will be accomplished by random field inspections by applicant personnel during construction activities.
22. A preliminary drainage report, prepared by California Registered Civil Engineer, shall be submitted for review and approval by the City Engineer prior to issuance of any permits. The report shall contain pre- and post-development hydrology maps showing on-site and off-site tributary drainage areas and shall be prepared in accordance with the requirements of the Riverside County Flood Control District. Adequate provisions shall be made to accept and conduct the existing tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. If the design of the project includes a retention basin, it shall be sized to contain the runoff resulting from a 10-year storm event and the runoff from a 100-year storm event shall be contained within basin with shallow ponding (3.5' max.). The basin shall be designed to evacuate a 10-year storm event within 72 hours. The size of the retention basin(s) shall be determined by the hydrology report and be approved by the City Engineer. Retention basin shall be provided with a minimum of 2.00 feet sandy soil if determined to contain silt or clay materials. Maximum allowable percolation rate for design shall be 10 gal./s.f./day unless otherwise approved by the City Engineer. A percolation test for this site is required to be submitted. A combination drywell vertical drain field shall be constructed at all points where runoff enters the retention basin. Drywell & vertical drain field design shall be based on soils borings made at the proposed drywell locations after the retention basins have been

rough graded. Minimum depth shall be 45-feet. A log that includes sieve analysis for each strata of the borings shall be submitted to the City Engineer for confirmation of depth of the vertical drain fields. Underground retention under the proposed parking area will be considered as an alternative to surface retention subject to the approval of the City Engineer. Site access improvements shall be in conformance with the requirements of Title 24 of the California Administrative Code. This shall include access ramps for off-site and on-site streets as required.

23. Applicant shall submit for review and approval by the City Engineer all documents related to any existing and proposed on-site and off-site easements that may affect the development of the site. All easements shall be identified on the engineering plans.
24. All existing & proposed public improvements shall be clearly identified on the site plan including street pavement, curb, gutter, sidewalk, street trees, perimeter walls, perimeter landscaping and irrigation, storm drain, sewer and water, street lights, and any other incidental works necessary to complete the improvements. Driveways shall conform to City of Coachella standards for commercial driveways with a minimum width of 24.00 feet and curbed radius entrances.
25. Site access improvements shall be in conformance with the requirements of Title 24 of the California Administrative Code. This shall include access ramps for off-site and on-site streets as required.
26. Applicant shall obtain approval of site access and circulation from Fire Marshall.
27. Public improvements along the project's frontage shall include repair and construction of pavement, curb, gutter, and sidewalk necessary for compliance with current standards and ADA requirements.

#### ENGINEERING DEPARTMENT:

28. A preliminary soils report shall be prepared for the project by an appropriately licensed professional engineer. At a minimum, the soils report shall provide specific analyses and recommendations for grading, pavement structural sections, and infiltration.
29. A precise grading/improvement plan, prepared by a California Registered Civil Engineer, shall be submitted for review and approval by the City Engineer prior to issuance of any permits. A final soils report, compaction report and rough grading certificate shall be submitted and approved prior to issuance of any building permits.
30. A submittal for review and approval by the City Engineer all documents related to any existing and proposed on-site and off-site easements that may affect the development of the site. All easements shall be identified on the engineering plans.
31. Site access improvements shall be in conformance with the requirements of Title 24 of the California Administrative Code. This shall include access ramps for off-site and on-site streets as required.
32. Applicant shall obtain approval of site access and circulation from Fire Marshall.
33. The applicant shall pay all necessary plan check, permit and inspections fees. Fees will be determined when plans are submitted to the City Engineering Department for plan check.
34. Applicant shall comply with the valley wide NPDES permit requirements including but not limited to submittal of a WQMP for plan review accompanied by a \$3,000 plan check deposit for approval including executed maintenance agreement. All unused plan check fees will be refunded to the

applicant upon approval of the Final WQMP.

35. The developer shall submit a Fugitive Dust Control and Erosion Control plan in accordance with Guidelines set forth by CMC and SCAQMD to maintain wind and drainage erosion and dust control for all areas disturbed by grading. Exact method(s) of such control shall be subject to review and approval by the City Engineer. No sediment is to leave the site. Additional securities, in bond form, in amount of \$2,000.00 per acre of gross area, and a one-time cash deposit of \$2,000.00 are required to insure compliance with this requirement. No work may be started on or off site unless the PM-10 plan has been approved, the original plans, and executed dust control agreement, are filed in the engineering department at the City of Coachella.
36. If screen walls are required, separate permits shall be necessary for wall construction. The maximum height of any wall shall be limited to six (6) feet as measured from an average of the ground elevations on either side.

Rough Grading:

37. Prepare and submit rough grading and erosion control plans for the project.
38. The project's soils engineer shall certify to the adequacy of the grading plan.
39. All projects developing one (1) acre or more of total land area, or which are part of a larger phased development that will disturb one acre of land, are required to obtain coverage under the State Water Resources Control Board's (SWRCB) General Permit for storm water discharges associated with construction activity. Proof of filing a Notice of Intent (NOI) with the SWRCB for coverage under this permit is required. The Waste Discharger's Identification Number (WDID), issued by the SWRCB, must be shown on the grading plans. The project's Storm Water Pollution Prevention Plan shall be submitted for the City's review and approval.

Precise Grading:

40. A precise grading/improvement plan, prepared by a California Registered Civil Engineer, showing building footprints, pad elevations, finished grades, drainage routes, retaining walls, erosion control, slope easements, and all other pertinent information shall be submitted for review and approval by the City Engineer.
41. Rough grading shall be certified by the project soils engineer prior to issuance of a permit for precise grading or building construction.

Street Improvements:

42. Street improvement plans prepared by a California Registered Civil Engineer shall be submitted for review and approval by the City Engineer. All street improvements including street lights shall be designed and constructed in conformance with City Municipal Code, General Plan, and Standards and Specifications. Street flow line grade shall have a minimum slope of 0.35 %.
43. Applicant shall construct all off-site and on-site improvements including street pavement, curb, gutter, sidewalk, street trees, perimeter walls, perimeter landscaping and irrigation, storm drain, street lights, and any other incidental works necessary to complete the improvements. Driveways shall conform to City of Coachella standards for commercial driveways with a minimum width of 24.00 feet and curbed radius entrances.

Sewer and Water Improvements:

44. Sewer & Water Improvement Plans prepared by a California Registered Civil Engineer shall be submitted for engineering plan check and City Engineer approval.
45. Applicant shall construct all off-site and on-site water improvements and any other incidental works necessary to complete the improvements. Size and location of sewer and water improvements shall be approved by the City Engineer.

Prior to Issuance of Building Permits:

46. A final soils report, compaction report and rough grading certificate shall be submitted and approved prior to issuance of any building permits.
47. Provide a set of proposed Covenants, Conditions and Restrictions (CC&R) for review and approval. The proposed CC&Rs shall contain the Association's/Owner's maintenance obligations with respect to various facilities including, but not limited to, right-of-way and private landscaping, private streets, sidewalks, utilities, street lights, and Water Quality Management Plan (WQMP) features. This document must be submitted to and approved by the City before it is submitted to any other governmental entity.
48. Prior to issuance of building permits, all required public improvements, including landscaping and lighting of the retention basins, and landscaped areas along the exterior streets, shall be completed or secured with appropriate sureties to the satisfaction of the City Engineer. An engineering final inspection is required. "As-built" plans shall be submitted to and approved by the City Engineer. Prior to acceptance of the improvements by the City, such plans, once approved, shall be given to the city on compact disk in AutoCad format. All off-site and on-site improvements shall be completed to the satisfaction of the City Engineer prior to acceptance of improvements for maintenance by the City.
49. The applicant's Civil Engineer shall field verify and certify that all BMPs are designed, constructed, and functional in accordance with the approved WQMP.

Prior to Release of Occupancy Permits /Acceptance of Public Improvements:

50. Prior to issuance of certificate of occupancy, all public improvements, including landscaping and lighting of the retention basins, and landscaped areas along the exterior streets, shall be completed to the satisfaction of the City Engineer. An engineering final inspection is required. "As-built" plans shall be submitted to and approved by the City Engineer. Prior to acceptance of the improvements by the City, such plans, once approved, shall be given to the city on compact disk in AutoCad format. All off-site and on-site improvements shall be completed to the satisfaction of the City Engineer prior to acceptance of improvements for maintenance by the City.
51. Final landscaping and irrigation plans shall be submitted to the Development Services Department for review and approval. Said plans shall conform to the landscaping plan submitted as part of the subject Architectural Review, and as conditioned herein.
52. Prior to the issuance of building permits, the applicant shall submit detailed landscaping and irrigation plans for review and approval by the City's Engineering Department and Development Services Department.
53. Landscaping and irrigation shall be provided in accordance with Section 17.54.010(J) of the

Municipal Code and in accordance with the State Model Water Efficient Landscape Ordinance (AB 1881). Water budget calculations, including the Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use (ETWU) shall be provided as part of the landscaping and irrigation plan.

Development Services – Landscaping:

54. The landscape plan shall provide for a minimum 5-gallon groundcover plants, 5-gallon shrubs, and 24-inch box trees. The plants and trees shall be irrigated with an automatic and durable drip irrigation system.
55. Landscaped areas shall be dressed with a minimum 2-inch layer of compacted and/or glue-bonded decomposed granite that cannot be wind driven. A weed barrier underlayment shall be placed under the decomposed granite.
56. Plant materials selection should be represented by symbols that show the plants at 75% of their mature size.
57. All non-landscaped and undeveloped areas of the site shall be kept free of weeds and debris and shall be treated with a dust-preventative ground coating.
58. Prior to the issuance of building permits, all exterior architectural features and treatments shall be consistent with the submitted Architectural Review No. 20-06 construction plans and elevations, subject to review and approval.
59. All exposed metal flashing, downspouts, or utility cabinets shall be painted to match the building prior to final inspection.
60. Trash enclosures installed for the project shall be compatible architecturally with the building and include storage areas for recycling containers. The enclosure shall be constructed to Burrtec Waste Management Standards. Both Burrtec Waste Management and the City Engineer shall approve the location of the trash enclosure.
61. All roof mounted mechanical equipment, except solar panels, shall be view obscured from all public streets by a parapet wall greater in height than the equipment installed through a line of sight analysis. Ground mounted mechanical equipment shall be view obscured by landscaping or enclosure.
62. Outdoor storage areas, if any, shall be obscured from public view and specifically shall not be visible from Harrison Street.

Riverside County Fire Department:

63. Prior to the issuance of building permits, plans for the water system shall be submitted to the fire department for review and approval. The water system shall be capable of delivering the required fire flow. Fire hydrant(s) location and spacing shall comply with the fire code. An approved water supply for fire protection during construction shall be made available prior to the arrival of combustible materials on site. Reference 2016 California Fire Code (CFC) 507.5.1, 3312, Appendices B and C.

64. Prior to building permit issuance, provide a fire access site plan. Access roads shall be provided to within 150 feet to all portions of the exterior building walls and shall have an unobstructed width of not less than 24 feet. The construction of the access roads shall be all weather and capable of sustaining 60,000 lbs over two axles for areas of commercial development. Approved vehicle access, either permanent or temporary, shall be provided during construction Ref. CFC 503.1.1, 3310.1 and 503.2.1.
65. Requests for installation of traffic calming designs/devices on fire apparatus access roads shall be submitted and approved by the Office of the Fire Marshal. Ref. CFC 503.4.1
66. Submittal of construction plans to the Office of the Fire Marshal for development, construction, installation and operational use permitting will be required. Final fire and life safety conditions will be addressed when the Office of the Fire Marshal reviews these plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code, and related codes, which are in effect at the time of building plan submittal.
67. Deferred submittals shall be required for Carbon Dioxide Gas Enrichments Systems and Plant Processing/Extraction Systems. Refer to the Riverside County Office of the Fire Marshal Technical Policy #TP16-004 and #TP16-005.
68. If construction is phased, each phase shall provide approved access for fire protection prior to any construction. Ref. CFC 503.1
69. All new commercial structures 3,600 square feet or larger shall be protected with a fire sprinkler system. Ref CFC 903.2 as amended by the City of Coachella.
70. A water flow monitoring system and/or fire alarm system may be required and determined at time of building plan review. Ref. CFC 903.4, CFC 907.2 and NFPA 72.
71. Buildings shall be provided with a Knox Box. The Knox Box shall be installed in an accessible location approved by the Office of the Fire Marshal. All electronically operated gates shall be provided with Knox key switches and automatic sensors for access. Ref. CFC 506.1.
72. All commercial buildings shall display street numbers in a prominent location on the address side and additional locations as required. Ref. CFC 505.1 and County of Riverside Office of the Fire Marshal Standard #07-01.
73. The applicant shall submit water and sewer plans for approval from Utilities Manager and shall connect to City public sewer and water system.
74. The project will require a Water Quality Management Plan (WQMP) for being greater than 100,000 square feet.



75. The proposed facility will be required to submit a source control survey to Utilities Department.
76. The applicant shall submit detailed plumbing and mechanical plans to Utilities Department for review prior to issuance of permits.
77. The applicant shall install Above Ground “Double Check Detector Assembly” DCDA for fire system and to protect water supply from contamination or pollution.
78. Backflow devices will require Reduced Pressure Principle Device (RP) within 12 inches of water service installed to protect water supply from contamination or pollution.
79. The applicant shall install separate AMI metering system for each building.
80. The applicant shall install separate AMI metering system for irrigation system.
81. The project shall implement the State’s drought mandate which prohibits irrigation with potable water outside newly constructed homes and buildings that is not delivered by drip or micro-spray systems.
82. If recycled water becomes available at the project site, the owner shall connect to this system and utilize recycled water for landscape irrigation, and any other feasible uses of recycled water on the project site.

#### Fees

83. Prior to the issuance of a building permit, the applicant shall pay all Permit and Development Impact Fees to the City. This this includes all outside agency fees such as MSHCP and TUMF mitigation fees paid to CVAG, and payment of water and sewer impact fees. Copies of receipts shall be provided to the Development Services Department prior to permit issuance.
84. The applicant shall be responsible for paying all applicable development and processing (plan check, inspection, etc.) fees associated with this project.
85. The applicant shall pay all applicable school impact fees to the Coachella Valley Unified School District prior to the issuance of a building permit.
86. The applicant shall comply with the City's Art in Public Places Ordinance. If the applicant elects to pay in-lieu art fees, then the fees shall be deposited into the Public Arts Fund at an amount of (1) One-half (1/2) of one percent (1%) for new commercial and industrial construction.
87. Installation of off-site improvements and sidewalks along Harrison Street may be satisfied

by a future improvement agreement subject to review and approval by the City Engineer.