

**RESOLUTION NO. PC2021-13**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COACHELLA APPROVING CONDITIONAL USE PERMIT NO. 340 TO ALLOW A 1,200 SQUARE FOOT NON-STOREFRONT RETAIL CANNABIS DISPENSARY FOR DELIVERY ONLY; AND VARIANCE NO. 21-03 TO ALLOW THE PROJECT WITHIN 100 FEET OF RESIDENTIAL STRUCTURE LOCATED AT 84-705 AVENUE 50, SUITE 4 IN THE C-G (GENERAL COMMERCIAL) ZONE; CRAIG GUGGOLZ APPLICANT.**

**WHEREAS**, Craig Guggolz filed an application for Conditional Use Permit No. 340 (CUP 340) to allow a 1,200 square foot non-storefront retail cannabis dispensary for delivery only Variance No. 21-03 (VAR 21-03) to allow project within 100 feet of a residential structure located at 84-705 Avenue 50, Suite 4; Assessor's Parcel No's. 768-163-016 ("Project"); and,

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on CUP No. 340 and VAR No. 21-03 on June 16, 2021 at the Coachella Permit Center, 53-990 Enterprise Way, Coachella, California regarding CUP 340 and VAR No. 21-03; and,

**WHEREAS**, at the Planning Commission hearing, the Applicant and members of the public were present and were afforded an opportunity to testify regarding the Project; and,

**WHEREAS**, the Project is permitted, subject to obtaining a conditional use permit, pursuant to Chapter 17.74 and 17.75 of the Coachella Municipal Code and subject to certain required findings; and,

**WHEREAS**, the proposed use is necessary or desirable for the development of the community, is consistent with the objectives of the City's General Plan, and is not detrimental to the existing uses or the uses specifically permitted in the zone in which the proposed use is to be located; and,

**WHEREAS**, the proposed site is adequate in size and shape to accommodate the proposed development; and,

**WHEREAS**, the site for proposed use relates properly to streets which are designed to carry the type and quantity of traffic to be generated by the proposed use; and,

**WHEREAS**, the proposed project is exempt from the California Environmental Quality Act, as amended; and,

**WHEREAS**, the conditions as stipulated by the City are necessary to protect the public health, safety and welfare of the community.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of Coachella, California does hereby approve Conditional Use Permit No. 340 and Variance No. 21-03, subject to the findings and conditions of approval listed below.

**FINDINGS FOR APPROVAL OF CONDITIONAL USE PERMIT NO. 340:**

1. The proposed use will not be in conflict with but will be in harmony with and in accordance with the objectives of the general plan because the proposed within the Neighborhood Center land use designation according to the General Plan 2035, which allows the intended physical character to provide delivery only services with limited traffic. The proposed business is consistent with General Plan Policy 11.4 (Diversified Economy) in so far that the business allows the City to move beyond reliance on its two main industries – agriculture and resort services to transform the City to a mature mix of economic activity and job opportunities.
2. The proposed use will be located, designed, constructed, operated and maintained so as to be compatible with the existing character of the general vicinity and shall not change the essential character of the same area because the proposed use is within a zoning designation of 'C-G' (General Commercial) which permits the proposed project with the approval of a conditional use permit to have a non-storefront cannabis retail for delivery only. The proposed use is on a multi-tenant site that is compatible with the adjoining commercial uses and the conditional use permit can be revoked if any of the conditions of approval are violated.
3. Consideration has been given to harmony in scale, bulk, coverage and density, to the availability of public facilities and utilities, to harmful effect, if any, upon desirable neighborhood character, to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of development, because the site an existing retail center but the project will only offer delivery only, therefore, will not generate the traffic of a typical retail use. Additionally, there is adequate ingress and egress into and out of the existing commercial center to maintain the adequacy of the traffic circulation system serving the proposed use.
4. Where the proposed use may be potentially hazardous or disturbing to existing or reasonably expected neighboring uses, it must be justified by the common public interest as a benefit to the community as a whole. As such, there will be no hazardous or disturbing effects to the existing and neighboring uses.
5. The proposed use provides vehicular approaches to the property designed for reasonable minimal interference with traffic on surrounding public streets or roads, because all approaches are in full use for the patrons of the commercial center and no alterations are proposed as part of the operate a non-storefront retail delivery only and no negative effects exists.

6. The City of Coachella has determined that the proposed project is categorically exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act as an “Existing Facilities” project (CEQA Guidelines, Section 15301a). The project involves minor alterations to interior partition walls, and existing electrical, plumbing, and mechanical systems within an existing commercial building.

**FINDINGS FOR APPROVAL OF VARIANCE NO. 21-03:**

1. The proposed non-storefront retail cannabis dispensary for delivery only is consistent with a typical retail use while only offering delivery services. That the strict application of the provisions of this chapter for minimum distance from residential structures would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the chapter as the business exists on commercial corridor along Cesar Chavez Street, which is immediately adjacent to single family residential uses. The proposed business would be separated from the nearest residential structures by rear yard fencing and the commercial center driveway.
2. The project site is located with a commercial center within the C-G (General Commercial) zone and has General Plan Designation of Neighborhood Commercial which allows retail uses. The tenant space is located adjacent to west property line which only divided the commercial driveway and rear property lines of a residential structure, whereas other units and structures maybe be meeting the 100-foot setback requirement. Therefore, the subject property such as size, shape, topography, location or surroundings, that do not apply generally to other property in the same zone and vicinity.
3. The proposed non-storefront, delivery only, retail dispensary of otherwise be permitted and necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity, but which, because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question. The strict application of the provisions of this chapter for minimum distance from residential structures would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the chapter as the business exists on commercial corridor along Cesar Chavez Street, which is immediately adjacent to single family residential uses. The proposed business would be separated from the nearest residential structures by rear yard fencing and the commercial center driveway.
4. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located. The non-storefront cannabis delivery business and customers are unable to purchase cannabis products in-person at the facility.
5. The granting of the variance will not adversely effect any element of the general plan. The proposed business is consistent with General Plan Policy 11.4 (Diversified Economy) in so far that the business allows the City to move beyond reliance on its two main

industries – agriculture and resort services to transform the City to a mature mix of economic activity and job opportunities.

**CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT NO. 340:**

1. Conditional Use Permit No. 340 shall be valid for 12 months from the effective date of said Planning Commission approvals unless the applicant requests an extension of time and granted by the Planning Commission. Issuance of building permits and pursuit of construction will vest the Conditional Use Permit.
2. The applicant shall secure building permits for the new cannabis business through the City's Building Division and the Riverside County Fire Marshal's office prior to the commencement of business activities. Hours of operation for the non-storefront retail cannabis delivery business may be from 7:00 am to 10:00 pm daily, unless otherwise restricted by the State of California. The owner shall procure a City Cannabis Regulatory Permit and a State License prior to commencement of business activities.
3. Conditional Use Permit No. 340 hereby approves the establishment of a 1,200 square foot non-storefront retail cannabis dispensary for delivery only within 100 feet of a residential structure.
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 the conditional use permits, including architectural features, materials and site layout.
5. 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.
6. The applicant shall defend, indemnify and hold harmless the City of Coachella, its officials, officers, employees, and agents from and against any claim, action, or proceeding against the City, its officials, officers, employees or agents to attack, set aside, void or annul any project approval or condition of approval of the city concerning this project, including but not limited to any approval or condition of approval or mitigation measure imposed by the City Council or Planning Commission. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officials, officers, employees and agents in the defense of the City Attorney, within five days of the effective date of this approval.

7. All plan submittals are the responsibility of the developer; this includes plan submittals to the City of Coachella, the Riverside County Fire Marshal's Office or to other agencies for who plan review and approval is required.

**PASSED APPROVED and ADOPTED** this 16<sup>th</sup> day of June 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Stephanie Virgen  
Planning Commission Chairperson

**ATTEST:**

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Yesenia Becerril  
Planning Commission Secretary

**APPROVED AS TO FORM:**

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Carlos Campos  
City Attorney

STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        ) ss.  
CITY OF COACHELLA            )

**I HEREBY CERTIFY** that the foregoing Resolution No. PC2021-13 was duly adopted by the Planning Commission of the City of Coachella at a regular meeting thereof, held on this 16<sup>th</sup> day of June 2021 by the following vote of the Planning Commission:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Yesenia Becerril  
Planning Commission Secretary