

**RESOLUTION NO. PC2022-22**

**A RESOLUTION OF THE CITY OF COACHELLA PLANNING COMMISSION DENYING VARIANCE (VAR 22-02) TO ALLOW NON-STOREFRONT CANNABIS RETAIL DELIVERY FOR CANNABIS MICROBUSSINESS WITHIN AN EXISTING 18,960 SQUARE FOOT MULTI-TENANT INDUSTRIAL BUILDING AT 86695 AVENUE 54 WITHIN 500 FEET OF ANY OTHER STOREFRONT RETAIL OR NON-STOREFRONT RETAIL CANNABIS BUSINESS. AMERICAN DESERT LLC MULTI-TENANT MICROBUSINESS PROJECT, AL BARLAS REPRESENTING ARTEM ARTENYAN, APPLICANT.**

**WHEREAS** Al Barlas (on behalf of Artem Artenyan) filed an application for Variance (VAR 22-02) to allow non-storefront cannabis retail delivery for multi-tenant cannabis microbusiness property located at 86695 Avenue 54 (Assessor's Parcel No. 764-280-011) within 500 feet of other storefront retail or non-storefront retail cannabis business; and,

**WHEREAS** on November 10<sup>th</sup>, 2021 the City Council approved Conditional Use Permit (CUP 342), Change of Zone (CZ 21-03 first reading), and Variance (VAR 21-04) to allow the establishment of a multi-tenant cannabis microbusiness property located at 86695 Avenue 54 (Assessor's Parcel No. 764-280-011); and,

**WHEREAS** on July 20, 2022, the Planning Commission of the City of Coachella published a public hearing notice and conducted a duly noticed public hearing on Variance (VAR 22-02) and considered the application as presented by the applicant, findings, conditions and staff recommendations; and

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

**WHEREAS** the proposal to allow non-storefront cannabis delivery in addition to the permitted on-site cannabis microbusiness activity would be inconsistent with the City of Coachella Zoning Ordinance and the findings to support granting of the variance cannot be made; and,

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of Coachella, California hereby resolve as follows:

**Section 1.** Incorporation of Recitals

The Planning Commission hereby finds that all of the facts in the Recitals are true and correct and are incorporated and adopted as findings of the Planning Commission as fully set forth in this resolution.

**Section 2.** CEQA Findings

Based upon its review of the entire record, including the Staff Report, any public comments or testimony presented to the Planning Commission, and the facts outlined below, the Planning Commission hereby finds and determines that the proposed project is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities). The Class 1 exemption specifically exempts from further CEQA review the operation, permitting, licensing, or minor alteration of existing facilities with negligible or no expansions of the existing use. Since the project consists only of the permitting and licensing of a business for full alcohol sales, the project qualifies for the Class 1 exemption.

Furthermore, none of the exceptions to the use of the Class 1 categorical exemption identified in State CEQA Guidelines section 15300.2 apply. The project will not result in a cumulative impact from successive projects of the same type in the same place, over time. There are no unusual circumstances surrounding the project that result in a reasonable possibility of a significant effect on the environment. The project is not in a scenic corridor, will not alter or impact historic resources, and does not include any hazardous waste sites. The project consists of no physical modifications to the structure or the environment, except for interior modifications, and involves a zone change, variance and a conditional use permit to allow a storefront retail microbusiness. Thus, the Class 1 exemption applies, and no further environmental review is required.

### **Section 3.** Variance Findings

With respect to Variance No. 22-02, the Planning Commission finds as follows for the proposed variance request:

1. That the strict application of the provisions of this chapter would not result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the chapter the Coachella Municipal Code were in place when the Conditional Use Permit for cannabis business activity at the subject site was approved and the staff report states that the uses that could occur are cultivation, manufacturing, and distribution only, with no retail sales.
2. That there are no special circumstances applicable to 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. The Zoning Ordinance Section 17.84.040.b of the Zoning Ordinance requires that a non-storefront retailer be at least five hundred (500) feet from any other storefront retail or non-storefront retail cannabis business. The existing Coachella Releaf business was granted approvals as a storefront retail microbusinesses on August 25, 2021 before the 86695 Avenue 54 site was granted approvals for cannabis microbusiness on November 10, 2021. Non-storefront retail activity is permitted in locations beyond 500 feet from other storefront retail or non-storefront retail cannabis business.
3. That such variance is unnecessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity. The City's cannabis business regulations in the Zoning Ordinance allow for cannabis business activity subject to permitted locations and standards. The enjoyment of the substantial property right for a non-storefront retail activity may occur in locations beyond

500 feet from other storefront retail or non-storefront retail cannabis businesses.

4. That 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.
5. That the granting of the variance will not adversely effect any element of the general plan. Though the general plan does not preclude non-storefront retail cannabis delivery at this location, the Zoning Ordinance does not support such business activity in its provisions for permitted locations and standards.

**Section 5.** Planning Commission Denial

Based on the foregoing recitals and findings above, and the written and oral comments, facts and evidence presented, the City of Coachella Planning Commission denies Variance (VAR 22-02) for the American Desert LLC Multi-tenant Microbusiness Project.

**PASSED APPROVED and ADOPTED** this 20<sup>th</sup> day of July 2022.

---

Stephanie Virgen, Chairperson  
Coachella Planning Commission

**ATTEST:**

---

Gabriel Perez  
Planning Commission Secretary

**APPROVED AS TO FORM:**

---

Carlos Campos  
City Attorney

I HEREBY CERTIFY that the foregoing Resolution No. PC2022-22, was duly adopted at a regular meeting of the Planning Commission of the City of Coachella, California, held on the 20<sup>th</sup> day of July 2022, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Gabriel Perez  
Planning Commission Secretary