

RESOLUTION NO. PC2020-11

A RESOLUTION OF THE CITY OF COACHELLA PLANNING COMMISSION ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR THE BEJARANO CANNABIS CULTIVATION PROJECT, CONSISTING OF CONDITIONAL USE PERMIT (CUP 327) AND ARCHITECTURAL REVIEW (AR 20-06) TO ALLOW CONSTRUCTION OF A NEW 225,705 SQUARE FOOT CANNABIS CULTIVATION FACILITY IN THE M-W (WRECKING YARD) ZONE ON 10.01 ACRES OF PARTIALLY-DEVELOPED LAND LOCATED AT 48-100 HARRISON STREET (APN 603-290-020 & -021). DAVID E. ARGUDO, APPLICANT.

WHEREAS, David E. Argudo filed an application for Environmental Assessment (EA 20-02), Conditional Use Permit (CUP 327), and Architectural Review (AR 18-01) to allow the construction of a new 225,705 square foot cannabis cultivation facility on 10.01 acres of partially-developed land located at 48-100 Harrison Street; Assessor Parcel No.'s 603-290-020 and 603-290-021 ("Project"); and,

WHEREAS, the City completed Environmental Assessment/Initial Study (EA 20-02) for the Bejarano Cannabis Cultivation Facility project pursuant to the California Environmental Quality Act, as amended; and,

WHEREAS, based on this Environmental Assessment/Initial Study and proposed mitigation measures therein, the City has made a determination that the Project will not have a significant impact on the environment and has prepared a Mitigated Negative Declaration for this Project; and,

WHEREAS, a Notice of Intent to Adopt a Mitigated Negative Declaration for the Project was posted with the County Clerk on September 28, 2020 and duly noticed and published in the Desert Sun Newspaper, a local newspaper of general circulation, on October 1, 2020; and,

WHEREAS, the proposed Mitigated Negative was made available for a 20-day public review period commencing on Saturday September 19, 2020 and ending on Monday, October 19, 2020; and,

WHEREAS, the Planning Commission conducted a duly noticed public hearing on CUP 327, and AR 20-06 on November 18, 2020 in the Permit Center, 53-990 Enterprise Way, Coachella, California; and,

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

WHEREAS, the Project is conditionally permitted pursuant to Chapter 17.84 of the Coachella Municipal Code and Ordinance 1120 which allows cannabis cultivation facility uses subject to obtaining a conditional use permit; and,

WHEREAS, findings of the Initial Study indicated that the Proposed Project would not create any significant impacts to air quality, biological resources, cultural resources, geology and soils, traffic and transportation and noise; and,

WHEREAS, the Proposed Project has been conditioned to include recommended mitigation measures of the environmental analysis as set forth in a Mitigation Monitoring and Reporting Program (Exhibit A); and,

WHEREAS, the Proposed Project would not be detrimental to the general health, safety and welfare of the community.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF COACHELLA DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1. Recitals. The Planning Commission hereby finds that the foregoing recitals are true and correct and are incorporated herein as substantive findings of this Resolution.

SECTION 2. Compliance with the Environmental Quality Act (“CEQA”). As the decision-making body for the Project, the Planning Commission has reviewed and considered the information contained in the Mitigated Negative Declaration, Initial Study, comments received, and other documents contained in the administrative record for the Project. The Planning Commission hereby adopts the Mitigated Negative Declaration along with the Initial Study and administrative record and finds that the record is a complete and accurate reporting of the environmental impacts associated with the Project. The Planning Commission further finds that the Mitigated Negative Declaration and the Initial Study have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Coachella’s Local CEQA Guidelines.

SECTION 3. Findings on Environmental Impacts. Based on the whole record before it, including the Mitigated Negative Declaration, Initial Study, the administrative record and all other written and oral evidence presented to the Planning Commission, the Planning Commission finds that all environmental impacts of the Project are either insignificant or can be mitigated to a level of insignificance pursuant to the mitigation measures outlined in the Mitigated Negative Declaration, the Initial Study and the Mitigation Monitoring and Reporting Program. The Planning Commission further finds that there is no substantial evidence in the administrative record supporting a fair argument that the Project may result in any significant environmental impacts. The Planning Commission finds that the Mitigated Negative Declaration contains a complete, objective, and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgment and analysis of the Planning Commission.

SECTION 4. Wildlife Resources. Pursuant to Fish and Game Code Section 711.4(c), all project applicants and public agencies subject to CEQA shall pay a filing fee

for each Proposed Project, as specified in subdivision 711.4(d) for any adverse effect on wildlife resources or the habitat upon which wildlife depends unless a “no effect” finding is made by the California Department of Fish and Game. This fee is due and payable as a condition precedent to the County Clerk’s filing of a Notice of Determination.

SECTION 5. Adoption of the Mitigated Negative Declaration. The Planning Commission hereby adopts the Mitigated Negative Declaration based on the CEQA Initial Study and CEQA Response to Comments attached hereto as Exhibit “A” and contained in the project file records.

SECTION 6. Adoption of Mitigation Monitoring and Reporting Program. The Planning Commission hereby approves and adopts the Mitigation Monitoring and Reporting Program prepared for the Project, attached hereto as Exhibit “B”.

SECTION 7. Location and Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings are based are located at Coachella Permit Center. The Development Services Director is the custodian of the record of proceedings.

SECTION 8. Execution of Resolution. The Chairman shall sign this Resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

PASSED APPROVED and ADOPTED this 18th day of November 18, 2020.

Javier Soliz, Chairperson
Coachella Planning Commission

ATTEST:

Yesenia Becerril
Planning Commission Secretary

APPROVED AS TO FORM:

Carlos Campos
City Attorney

I HEREBY CERTIFY that the foregoing Resolution No. PC2020-11, was duly adopted at a regular meeting of the Planning Commission of the City of Coachella, California, held on the 18th day of November 2020, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Yesenia Becerril
Planning Commission Secretary

EXHIBIT A

CEQA INITIAL STUDY AND RESPONSE TO COMMENTS

EXHIBIT B

MITIGATION MONITORING & REPORTING PROGRAM – BEJARANO CANNABIS CULTIVATION PROJECT