

RESOLUTION NO. 2019-07

A RESOLUTION OF THE CITY OF COACHELLA CITY COUNCIL APPROVING CONDITIONAL USE PERMIT (CUP 312) TO ALLOW A 3,250 SQUARE FOOT RETAIL CANNABIS MICROBUSINESS ON A 0.29 ACRE PARCEL LOCATED IN THE CG-RC (GENERAL COMMERCIAL – RETAIL CANNABIS OVERLAY) ZONE LOCATED ON THE SOUTH SIDE OF AVENUE 48 BETWEEN VAN BUREN STREET AND THE DILLON ROAD GRADE SEPARATION (AKA 84-161 AVENUE 48). THE COACHELLA LIGHTHOUSE LLC, APPLICANT.

WHEREAS, The Coachella Lighthouse, LLC filed an application for Change of Zone (CZ 18-12) and Conditional Use Permit (CUP 312) to allow a 3,250 square foot retail cannabis microbusiness with parking and security fencing to be located on 0.29 acres of land located 84-161 Avenue 48 within a commercial center located on the south side of Avenue 48 between Van Buren Street and the Dillon Road grade separation; APN: 603-220-063 and portions of APN 603-220-066, (“Project”); and,

WHEREAS, the Planning Commission conducted a duly noticed special public hearing on Change of Zone No. 18-12 and CUP 312 on February 6, 2019 in the Council Chambers, 1515 Sixth Street, Coachella, California; and,

WHEREAS, on February 6, 2019 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 pursuant to Chapter 17.84 of the Coachella Municipal Code and Ordinance 1120 with the attendant applications for a Change of Zone to allow a retail cannabis microbusiness; and,

WHEREAS, the proposed project is necessary for economic development purposes as outlined in the Glenroy Resort Development Agreement and is consistent with the objectives of the City’s General Plan, and is not detrimental to the surrounding uses in the vicinity; and,

WHEREAS, the proposed site is adequate in size and shape to accommodate the proposed uses; 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 use will have no significant deleterious effect on the environment; and,

WHEREAS, the City Council conducted a duly noticed public hearing on Change of Zone No. 18-12 and CUP 312 on February 27, 2019 in the Council Chambers, 1515 Sixth Street, Coachella, California to consider staff recommendations and prior written and oral testimony regarding the project and wherein the public was given an opportunity to testify; and,

WHEREAS, a Mitigated Negative Declaration was previously prepared and adopted for the Glenroy Resort Project pursuant to the California Environmental Quality Act, as amended.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Coachella, California does hereby approve Conditional Use Permit No. 312 with the findings and conditions listed below.

Findings for Conditional Use Permit #312:

1. The proposed use is consistent with the goals, objectives, policies, and implementation measures of the Coachella General Plan 2035. The site has a Regional Commercial District land use designation that allows for hotel and commercial uses intended to create a regional attraction to the site. The proposed commercial structure on the site is in keeping with the policies of the Regional Commercial District land use classification and the Project is internally consistent with other General Plan policies for this type of development.

2. The proposed use is in compliance with the applicable land use regulations and development standards of the City's Zoning Code. The site plan proposes a retail cannabis microbusiness totaling 3,250 square feet and common parking and security fencing. The Project complies with applicable CG-RC (General Commercial –Retail Cannabis) and the operators will secure a regulatory permit pursuant to Ordinance 1120.

3. The proposed use and development of the property including the façade and architectural themes and development standards were considered on the basis of the suitability of the site for the particular use intended, and the total development, including the prescribed development standards, were so arranged to avoid traffic congestion, ensure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and are in accord with all elements of the general plan. As proposed, the site is within the Regional Commercial land use designation of the City's general plan. This category provides for a broad spectrum of commercial uses. The proposed uses are compatible with existing adjacent uses that include similar pattern of hospitality, restaurant and entertainment uses.

4. The Project will be compatible with neighboring properties with respect to land development patterns and application of architectural treatments. The plans submitted for this Project propose a retail cannabis microbusiness that is allowed in the CG-RC zone pursuant to an approved Conditional Use Permit. Surrounding uses include restaurant, hotel and entertainment uses. The residential uses to the north in the County of Riverside will be substantially buffered by the Avenue 48 street right-of-way and other commercial uses making up the Glenroy Resort site. The public park to the south will not be impacted since the park is substantially removed from the proposed retail cannabis business. Additionally, the new Building B was approved by the Planning Commission as having a unified design theme to the adjacent buildings. Therefore, the Project will be in keeping with the scale, massing, and aesthetic appeal of the existing area and future development.

5. An Initial Environmental Study recommending the adoption of a Mitigated

Negative Declaration was prepared for this Project, pursuant to the California Environmental Quality Act Guidelines (CEQA Guidelines) and mitigation measures have been incorporated into the overall project in order to reduce the environmental effects of the project to a level of less than significant. The Project will not have any significant adverse effects on the environment.

Conditions of Approval for Conditional Use Permit #312:

1. Conditional Use Permit No. 312 is hereby granted for the express purpose of operating a cannabis retail microbusiness. The owner must obtain a Cannabis Regulatory Permit and any required State licenses prior to the commencement of business activities. The microbusiness may have retail sales of cannabis products as its primary use, and may include incidental uses not exceeding 50% of the total floor area. Incidental uses may include indoor cultivation of cannabis plants, delivery service, and processing of cannabis products only. Extraction of cannabis oils through volatile and non-volatile systems shall be expressly prohibited at this location.

2. Approval of Conditional Use Permit No. 312 is contingent upon City Council approval of the attendant Second Amendment to the Glenroy Resort Development Agreement, or a separate Development Agreement, granting an entitlement for a retail cannabis microbusiness, and subject to compliance with the following performance schedule:

a. The first phase of the Glenroy Resort Hotel shall be completed and open for business within 90 days of January 1, 2020;

b. The perimeter landscaping and fencing improvements for the retail cannabis microbusiness shall be completed within 60 days of the effective date of Conditional Use Permit No. 312;

c. The improvements required under Condition #5 of CUP 312 for additional glazing on the façade of the retail cannabis microbusiness shall be completed within 60 days of the effective date of Conditional Use Permit No. 312.

3. A 12-month review of this conditional use permit shall be conducted by the Development Services Director to check compliance with the conditions of approval.

4. Approval of Conditional Use Permit No. 296 is contingent upon City Council approval of the attendant Change of Zone No. 18-01 to add the RC (Retail Cannabis Overlay) zone on 20,000 square feet of land encompassing the Building B property and the adjoining area to the east along Avenue 48 having a dimension of approximately 100 feet in length and 40 feet in width.

5. The applicant or successor in interest shall comply with all conditions of approval imposed upon Architectural Review No. 17-07. The front façade of the business shall incorporate additional glazing on the front façade, subject to review by the Development Services Director.

6. A comprehensive sign program for the Glenroy Resort project must be reviewed and approved by the Planning Commission prior to the issuance of any sign permits for the retail cannabis microbusiness. The front façade of the retail cannabis microbusiness may have one identification sign and one secondary “logo sign” placed on the front façade.

7. Hours of operation for the retail cannabis microbusiness may be from 8:30 am to 10:00 pm Sunday through Thursday, and from 8:30 am to 12:30 am on Friday and Saturday. The owner may apply for extended hours during seasonal events subject to obtaining a Special Event Permit from the City of Coachella.

8. The applicant or successor in interest shall meet and confer with the Coachella Police Department to implement security measures for the operation of the retail cannabis microbusiness. Proof of compliance with this condition must be submitted prior to the issuance of a Cannabis Regulatory Permit for the business.

9. Prior to the commencement of business activities, the applicant must obtain a City Cannabis Regulatory Permit and any required State of California licenses for the operation of a retail cannabis microbusiness. The owner may pursue a Special Event Permit for local approval of non-recurring retail cannabis activity during seasonal events prior to securing a Cannabis Regulatory Permit, subject to State agency approvals, and subject to approval by the City Manager or designee.

10. The applicant shall procure the services of a certified private security guard system to provide a minimum of one 24-hour security guard on the premises, and shall maintain a video surveillance and alarm system in compliance with the City’s Municipal Code and the security plan outlined for this project.

11. The applicant shall comply with all applicable conditions of approval imposed on the Glenroy Resort Development Agreement.

12. The applicant or successor in interest shall obtain a City Business License and shall hire a City-approved consultant to prepare a quarterly audit report of the gross retail receipts for all transactions related to the proposed microbusiness. The applicant shall voluntarily participate with City auditing contractors and share business financial information with the City of Coachella for the purpose of complying with this condition of approval.

13. Alcohol sales and tobacco products sales shall be prohibited at the proposed retail cannabis microbusiness location.

14. The owner shall install a conforming trash enclosure for solid waste and recyclables within 250 feet of the proposed cannabis retail microbusiness.

15. The owner shall install a minimum of five bicycle racks in front of the retail cannabis microbusiness, or adjacent to the parking lot serving the proposed business.

16. The fencing along Avenue 48 may consist of a decorative wrought iron fence with


a maximum height of five feet. The parking lot security gates shall consist of low barrier, non-automated gates to remain open during all hours of business operation. All entry gates must be reviewed and approved by the Fire Marshal's Office and the Building Official.

17. The water system for fire protection of the retail cannabis business shall be in accordance with the California Fire Code and subject to review and approval by the Riverside County Fire Marshal's Office.

18. The owner shall submit a wastewater industrial survey to the City's Utility Department prior to the issuance of a water connection meter serving the retail cannabis microbusiness.

19. 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, and subject to reasonable approval of the applicant, to choose its own attorney to represent the City, its officials, officers, employees and agents in the defense of the matter. The applicant shall execute an indemnification agreement, in a form acceptable to the City Attorney, within five days of the effective date of Conditional Use Permit No. 312.

PASSED, APPROVED and ADOPTED this 27th day of February, 2019.



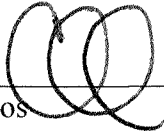
Steven A. Hernandez
Mayor

ATTEST:



Angela M. Zepeda
City Clerk

APPROVED AS TO FORM:

A handwritten signature consisting of three overlapping loops, positioned above a horizontal line.

Carlos Campos
City Attorney

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

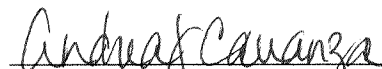
I HEREBY CERTIFY that the foregoing Resolution No. 2019-07 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on the 27th day of February, 2019 by the following vote of Council:

AYES: Councilmember Bautista, Councilmember Beaman Jacinto, Mayor Pro Tem Martinez, and Mayor Hernandez.

NOES: None.

ABSENT: None.

ABSTAIN: Councilmember Gonzalez.



Andrea J. Carranza, MMC
Deputy City Clerk