

RESOLUTION NO. PC2022-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COACHELLA, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL AMENDMENTS TO COACHELLA MUNICIPAL CODE CHAPTERS 5.69, 17.24, 17.26, 17.28, 17.30, 17.32, 17.34, 17.46, 17.47, 17.72, 17.74, 17.84, 17.85 REGARDING CANNABIS BUSINESS ZONING AND OPERATION IN THE CITY AND CONDITIONAL USE PERMIT PROCEDURE. CITY-INITIATED.

WHEREAS, pursuant to the authority granted to the City of Coachella (“City”) by Article XI, Section 7 of the California Constitution, the City has the police power to regulate the use of land and property within the City in a manner designed to promote public convenience and general prosperity, as well as public health, welfare, and safety; and,

WHEREAS, adoption and enforcement of comprehensive zoning regulations and business license regulations lies within the City’s police power; and,

WHEREAS, on November 8, 2016, California voters passed Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act (“AUMA”), legalizing the use and possession of cannabis and cannabis products by adults aged 21 years and older; and,

WHEREAS, on June 27, 2017, Governor Brown signed into law Senate Bill 94, which created a single regulatory scheme for both medicinal and non-medicinal cannabis known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”); and,

WHEREAS, MAUCRSA allows local jurisdictions to allow or prohibit the various commercial cannabis activities which are allowed by the State; and,

WHEREAS, on January 31, 2022 the City Council held a Study Session regarding the City of Coachella Cannabis Business Program and staff identified the intent to draft Cannabis Business Streamline Code Amendments to reduce barriers for Cannabis Businesses in the City of Coachella; and,

WHEREAS, the proposed Ordinance would amend Title 5 (Business License and Regulations) and Title 17 (Zoning) to streamline the zoning and business operation for cannabis businesses; and,

WHEREAS, the subject Municipal Code Amendment is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2), 15060(c)(3), and 15061(b)(3). The activity is not subject to CEQA because it will not result in a direct or reasonably foreseeable indirect physical change in the environment; the activity is not a project as defined in Section 15378 of the California Public Resources Code, and the activity is covered by the general rule that CEQA applies only to projects,

which have the potential for causing a significant impact on the environment. Where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA; and,

WHEREAS, the Planning Commission of the City of Coachella (“Planning Commission”) conducted a properly noticed public hearing on May 4, 2022 and May 18, 2022 at which members of the public were afforded an opportunity to comment upon this Ordinance, the recommendations of staff, and other public testimony; and,

WHEREAS, after said public hearing, the Planning Commission recommended that the City Council approve this Ordinance.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF COACHELLA, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

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

SECTION 2. Recommendation to City Council. Based on the entire record before the Planning Commission, all written and oral evidence presented to the Planning Commission, and the findings made in the staff report and this Resolution, the Planning Commission of the City of Coachella hereby recommends that the City Council adopt an Ordinance entitled: “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, AMENDING COACHELLA MUNICIPAL CODE CHAPTERS 5.69, 17.24, 17.26, 17.28, 17.30, 17.32, 17.34, 17.46, 17.47, 17.72, 17.74, 17.84, 17.85 REGARDING CANNABIS BUSINESS ZONING AND OPERATION IN THE CITY AND CONDITIONAL USE PERMIT PROCEDURE” which is attached hereto as Exhibit “A” and redline amendments as Exhibit “B” incorporated herein by reference.

SECTION 3. Findings. The Planning Commission finds that the amendments to the Coachella Municipal Code proposed by the above referenced ordinance are consistent with the goals and policies of all elements of the General Plan and exercise the City’s land use powers to protect the health, safety, and welfare of the public which would be put at risk if commercial cannabis activity is allowed to move forward in the City without local regulation and enforcement abilities.

The Planning Commission also finds that the proposed amendments to the Coachella Municipal Code would not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that they will regulate retail and commercial cannabis businesses as a land use, by allowing the use with a conditional use permit in selected zoning districts and under certain restrictions.

The Planning Commission also finds that the proposed amendments to the Coachella Municipal Code are internally consistent with other applicable provisions of this

Zoning Code, in that commercial cannabis businesses would be subject to specified zoning districts and to findings necessary to grant a conditional use permit.

SECTION 4. CEQA. The Planning Commission finds that this Resolution is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Section 15060(c)(2) of the State’s CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3), as the action will not result in either a direct or reasonably foreseeable indirect physical change in the environment, and Section 15060(c)(3) of the CEQA Guidelines, as the action is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly because this Ordinance does not involve any commitment to a specific project which may result in potentially significant physical impact on the environment.

SECTION 5. Certification. The Secretary shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED by the members of the City of Coachella Planning Commission on this 18th day of May, 2022.

Stephanie Virgen,
Planning Commission Chair

ATTEST:

Gabriel Perez, Planning Commission Secretary

APPROVED AS TO FORM:

Carlos Campos, City Attorney

I, Gabriel Perez, Planning Secretary, City of Coachella, California, certify that the foregoing Resolution was adopted by the Planning Commission at a regular meeting of the Planning Commission held on the 18th day of May, 2022, and was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gabriel Perez
Planning Commission Secretary