

## STAFF REPORT 10/6/2021

То:	Planning Commission
FROM:	Gabriel Perez, Development Services Director
Subject:	CSC Growers LLC Interim Outdoor Cannabis Cultivation Conditional Use Permit 344 to allow interim outdoor cannabis cultivation on a 5 acre site located at 86099 Tyler Street. (APN 603-122-001)

#### **EXECUTIVE SUMMARY:**

CSC Growers, LLC requests a Conditional Use Permit (CUP) to allow interim outdoor cannabis cultivation of 24 hoop houses on a vacant 5 acre site located at the southeast corner of Tyler Street and Vista del Sur (86099 Tyler Street).

### **BACKGROUND:**

The above referenced application is proposed on a 5 acre vacant parcel, located at the southeast corner of Tyler Street and Vista del Sur. The 2021 aerial photograph below illustrates the subject site was utilized most recently as a palm tree farm.



The photograph below was taken in September 2021 and shows the vacant subject parcel.



## **DISCUSSION/ANALYSIS**

## **ENVIRONMENTAL SETTING**

The site is a 5 acre vacant parcel zoned C-G (General Commercial). The property is surrounded by an approximately 6 foot tall chain link fence with barbed wire and newly planted vines along the length of the fence. The surrounded land uses and zoning classification include the following:

Vista del Sur and I-10 Freeway
Palm Tree Farm and Corona Yacht Club/ N-C (Neighborhood Commercial) and R-
M (Multi-Family Residential) zones
Existing Residences/ C-G (General Commercial) Zone
Vacant Land and Eagles Lodge/ C-G (General Commercial) Zone

#### **Project Analysis**

The CSC Growers, LLC proposes placement of 24 agricultural hoop houses for the interim outdoor cultivation of cannabis located on a 5 acre parcel at the Southeast corner of Tyler Street and Vista Del Sur (86099 Tyler Street). Each hoop house consists of 2,000 sq. ft. of area (20-ft x 100-ft) for a total of 480,000 sq. ft. of hoop house area or 1.1 acres. Each hoop house is spaced with open aisles a minimum of 24 feet in width. The applicant proposed a 50-foot buffer from the hoop house structures to the property line along Tyler Street and Vista del Sur. The applicant is in a permitted

area for interim cannabis cultivation with approval of a Conditional Use Permit and subject to the development standards of the new interim outdoor cannabis cultivation ordinance. The applicant also proposes a 6,000 square foot storage building at a height of 24-ft that was approved through an administrative Architectural Review on February 10, 2021, with project specific conditions of approval. The storage building is setback 20 feet from the southerly property line and has not been constructed to date.

Entry to the site will occur to an existing driveway from Tyler Street. No on-site paving improvements are proposed for the use, which is consistent with surrounding agricultural use conditions and is appropriate for an interim agricultural use that is limited to a term of 48 months pursuant to the Coachella Municipal Code. The on-site existing perimeter fencing is planted approximately every 4 feet with landscape vines to serve as screening of the outdoor grow areas from public streets.



## CONSISTENCY WITH THE GENERAL PLAN

The proposed project is within the Suburban Retail land use designation of the General Plan 2035 Land Use and Community Character Element. The project does not propose suburban retail related land uses, but would continue agricultural production activities on an interim basis on the subject site subject to a Conditional Use Permit.

# CONSISTENCY WITH ZONING

The subject site is zoned C-G (General Commercial) zone. The City Council adopted Ordinance 1171 to allow the interim outdoor cannabis cultivation subject to approval of a conditional use permit subject and subject to the development and operational standards. Table 1 provides an

analysis of the project's consistency with the Interim Outdoor Cannabis Cultivation development and operational standards.

	Zoning Ordinance	Proposed	<b>Complies with Code</b>
Location	Located within the agricultural reserve (A-R) zone, agricultural transition (A-T) zone, residential single-family (R-S) zone, multiple-family residential (R-M) zone, and general commercial (C- G) zone and is within the geographic area bounded by Vista del Sur on the north, the All- American Canal on the east, Avenue 52 on the south, and the 86 Expressway and Tyler Street on the west.	C-G Zone	Yes
Lot size	Site is a minimum of one (1) acre in size	5 acres	Yes
Setbacks	Provide a minimum twenty-foot (20 ft.) setback on all sides of the outdoor cannabis grow areas	31-50'	Yes
Screening	Provide perimeter fencing with an opaque fencing material, subject to review and approval by the Planning Director to screen the outdoor grow areas from view to public streets.	Landscape vines have been planted along perimeter fencing.	Yes
Distance requirement	1,000 feet of any public or private school (K-12), day care center or youth center	No youth facilities nearby	Yes
Canopy	Maximum canopy size equal to the lesser of 2 acres or the maximum size authorized by the State	Canopy is 1.1 acres	Yes

## Table 1 – Development/Operational Standards

Operational requirements of Chapter 5.68 *Commercial Cannabis Activity Regulatory Permit* for interim outdoor cannabis cultivation includes a detailed security plan, water management plan, security cameras, licensed security guard and odor control plan.

# ENVIRONMENTAL IMPACT CONSIDERATION

City Staff has determined that the proposed project is exempt under the Guidelines to the California Environmental Quality Act (CEQA) because the project entails the operation, maintenance, leasing,

and licensing of an existing private agricultural farming facility involving negligible expansion of use beyond that existing at the time of the lead agency's determination. The subject site has been used for farming operations and has existing irrigation water infrastructure. State CEQA Guidelines Section 15301.

#### **CORRESPONDENCE**

Please see attachments for correspondence received on this project.

#### **ALTERNATIVES:**

- 1) Adopt Resolution No. PC 2021-22 approving Conditional Use Permit No. 344 with the findings and conditions as recommended by Staff.
- 2) Deny Conditional Use Permit No. 344.
- 3) Continue this item and provide staff and the applicant with direction.

#### **RECOMMENDED ALTERNATIVE(S):**

Staff recommends alternative #1.

Attachments:

- PC Resolution No. 2021-22 for CUP No. 344 Exhibit A Conditions of Approval for CUP No. 344
  Existing Conditions Photos
  Vicinity Map
  Site Plan
  Storage Building Exhibit
  Correspondence from IID and Riverside County Fire

#### RESOLUTION NO. PC 2021-22

### A RESOLUTION OF THE CITY OF COACHELLA PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT 344 TO ALLOW INTERIM OUTDOOR CANNABIS CULTIVATION ON A 5 ACRE SITE LOCATED AT 86099 TYLER STREET, COACHELLA, CA 92236 (APN 603-122-001; APPLICANT: CSC GROWERS LLC, NICOLAS MEZA

**WHEREAS**, Nicolas Meza filed an application for Conditional Use Permit No. 344 (CUP 344) to allow interim outdoor cannabis cultivation of 24 hoop houses on a vacant 5 acre site located at the southeast corner of Tyler Street and Vista del Sur, 86099 Tyler Street; Assessor's Parcel No. 603-122-001 ("Project"); and,

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on CUP No. 344 on October 6, 2021 at the Coachella Permit Center, 53-990 Enterprise Way, Coachella, California regarding the proposed Project; 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 pursuant to Chapter 17.74 of the Coachella Municipal Code.

**WHEREAS**, the proposed use 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 interim outdoor cannabis cultivation farm; and,

WHEREAS, the Planning Division has completed an initial environmental assessment of the above matter in accordance with the California Environmental Quality Act (CEQA) and recommends that the planning Commission determine that the proposed project is exempt from the CEQA pursuant to State CEQA Guidelines Section 15301. This is recommended because the project entails the operation, maintenance, leasing, and licensing of an existing private agricultural farming facility involving negligible expansion of use beyond that existing at the time of the lead agency's determination; 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 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. This is recommended because the project entails the operation, maintenance, leasing, and licensing of an existing private agricultural farming facility involving negligible expansion of use beyond that existing at the time of the lead agency's determination.

## Section 3. Conditional Use Permit Findings

- A. With respect to Conditional Use Permit (CUP) 344, the Planning Commission finds as follows for the proposed interim outdoor cultivation use:
- 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 use would continue agricultural uses that is consistent with Land Use Policy 4.1 for agricultural land preservation recognizing agricultural land as a major industry for Coachella. The use is a method of preserving land in sizes that are viable economic units for continuing agricultural activities. The proposed use also supports Land Use Policy 11.4 for a diversified economy by transforming the Coachella economy into a mature mix of economic activity and job opportunities. The proposed use expands and diversifies local agricultural activity as it allows for outdoor cannabis cultivation, which has not been a part of the City's agricultural tradition.
- 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 proposed agricultural uses which is generally an existing use that occurs in the vicinity. The proposed use complies with Municipal Code standards with respect to size, location, screening, and buffering of outdoor cannabis cultivation. 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 interim outdoor cannabis cultivation use continues agricultural production on a site which farming has occurred and continue to utilize available facilities for agricultural activates. The buffer between perimeter property line and hoop houses of 30'-50' help to screen and reduce the perceived bulk of the hoops houses.

- 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 conditioned, the proposed use will provide for the outdoor agricultural production and is required to comply with specific operational standards of the Coachella Municipal Code, which include providing a security plan and odor control measures. As such, there will be no hazardous or disturbing effects to the existing and neighboring uses.
- 5. The proposed use provides unimproved vehicular approaches to the property designed for reasonable minimal interference with traffic on surrounding public streets or roads and appropriate for agricultural activities.
- 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 Guidelines Section 15301. This is recommended because the project entails the operation, maintenance, leasing, and licensing of an existing private agricultural farming facility involving negligible expansion of use beyond that existing at the time of the lead agency's determination.

Section 4. Planning Commission Approval.

Based on the foregoing recitals and findings above, and the written and oral comments, facts, and evidence presented, the City of Coachella Planning Commission approves Conditional Use Permit (CUP) 344, subject to the Conditions of Approval set forth in Exhibit A.

**PASSED APPROVED and ADOPTED** this 6<sup>th</sup> day of October 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Stephanie Virgen Planning Commission Chairperson

ATTEST:

Yesenia Becerril Planning Commission Secretary

# **APPROVED AS TO FORM:**

Carlos Campos City Attorney STATE OF CALIFORNIA)COUNTY OF RIVERSIDE) ss.CITY OF COACHELLA)

**I HEREBY CERTIFY** that the foregoing Resolution No. PC2021-22 was duly adopted by the Planning Commission of the City of Coachella at a regular meeting thereof, held on this 6<sup>th</sup> day of October 2021 by the following vote of the Planning Commission:

AYES:

NOES:

ABSENT:

ABSTAIN:

Yesenia Becerril Planning Commission Secretary

### CONDITIONS OF APPROVAL FOR CUP 344 CSC GROWERS, LLC INTERIM CANNABIS CULTIVATION FARM

#### **General Conditions**

- 1. This Conditional Use Permit 344 shall be valid for 12 months from the effective date of the Planning Commission approvals for an interim agricultural use and temporary outdoor cannabis cultivation farm unless the applicant requests an extension of time and granted by the Planning Commission. The outdoor cannabis cultivation at the subject site shall not exceed 48 months from the approval date of Conditional Use Permit 344.
- 2. All temporary structures shall be removed upon completion of the interim use, and all cannabis cultivation uses shall terminate after the expiration date of 48 months from Conditional Use Permit 344 approval unless a new conditional use permit, or comparable land use entitlement, is obtained from the City of Coachella.
- 3. 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.
- 4. The applicant shall comply with the provisions of Chapter 17.85 Commercial Cannabis Activity, including setbacks, fencing materials, and maximum canopy size.
- 5. The applicant shall comply with operating standards of interim outdoor cultivation in Chapter 5.68 Commercial Cannabis Activity Regulatory Permit including security, water management plan, and odor control provisions.
- 6. The shall provide a minimum twenty-foot (20 ft.) setback on all sides with an opaque fencing material, subject to review and approval by the Development Services Director, to screen the outdoor grow areas from view to public streets.
- 7. The applicant shall procure the services of a certified private security guard system to provide security guards on the premises on a 24-hour basis. The security guards shall monitor the public streets in the vicinity during the evenings.
- 8. Adequate security lighting shall be provided on the premises during evening hours, to allow public safety personnel to patrol the site along all public streets.

- 9. The applicant or successor in interest shall obtain a plumbing permit from the City of Coachella to connect to City potable water for the temporary cannabis drip irrigation system, and shall pay applicable water connection impact fees.
- 10. The applicant shall obtain a City Cannabis Regulatory Permit, City business license, and any State of California required approvals for the proposed cannabis cultivation farm.
- 11. The applicant shall timely file quarterly cannabis tax returns and remit required cannabis tax payments.
- 12. The applicant shall meet and confer with the Riverside County Fire Marshal's office for review of the proposed interim agricultural and temporary cannabis farming uses.
- 13. The applicant shall comply with all requirements of Riverside County Fire Department.
- 14. The applicant shall conduct a site inspection with the City of Coachella Development Services Director, Cannabis Liaison, and Code Enforcement Manager prior to commencement of cultivation activities to ensure compliance with CUP 344 conditions of approval and the Coachella Municipal Code.
- 15. The applicant shall allow for on-site inspections by the City Manager or designee within 24-hour notification to ensure compliance with the Municipal Code and Conditional Use Permit 344.

#### **Environmental Compliance:**

- 16. Verify permit from Water Boards Cannabis Cultivation program.
- 17. Verify required backflow device is installed.
- 18. Provide details for wastewater disposal; may need to install an Onsite Wastewater Treatment Systems (OWTS).
- 19. Submit detailed plumbing and mechanical plans for nutrient dosing;
- 20. Submit a Pollution Prevention Management Plan for nutrient storage area; SDS sheets required for all chemicals used onsite.

## PRIOR TO APPROVAL OF ENGINEERING PLANS or ISSUANCE OF ENGINEERING PERMITS:

#### **GENERAL:**

- 21. Prepare and record necessary drainage easements to implement the project in accordance with drainage law.
- 22. Applicant shall obtain approval of site access and circulation from Fire Marshall.

23. The applicant shall pay all necessary plan check, permit and inspection fees. Fees will be determined when plans are submitted to the City Engineering Department for plan check.

### **STREET IMPROVEMENTS:**

- 24. Street improvement plans prepared by a California Registered Civil Engineer shall be submitted for review and approval by the City Engineer. All street improvements including street lights shall be designed and constructed in conformance with City Municipal Code, General Plan, and Standards and Specifications. Street flow line grade shall have a minimum slope of 0.35 %.
- 25. Applicant shall dedicate the following streets and street improvements to conform to the General Plan and/or requirements of Traffic Study.
  - 1) Tyler Street- Public Roadway as shown on the RAC and per these comments shall include the following:
    - a. Dedication of land along northbound lane within project limits is required. This street is classified as Collector with Bicycle lanes with 90 feet of right-of-way as per City of Coachella General Plan.
    - b. Street measured at Center line to Easterly curb shall have a width of 35-foot
    - c. Applicant shall widen street along Meza Interim Outdoor Cannabis Cultivation frontage to the Satisfaction of the City Engineer prior to the issuance of the first COO.
  - 2) Vista Del Sur Public Roadway as shown on the RAC and per these comments shall include the following:
    - a. 25 feet dedication of land along eastbound lane within project limits is required.
    - b. Street measured at Center line to southerly curb shall have a width of 32-foot
    - c. Applicant shall full reconstruct half of the street from centerline along Meza Interim Outdoor Cannabis Cultivation frontage to the Satisfaction of the City Engineer prior to the issuance of the first COO.
    - d. Street Improvements and R/W dedication shall match property on the west side of Meza Interim Outdoor Cannabis Cultivation project (Parcel Map 28452)

## PRIOR TO RELEASE OF OCCUPANCY PERMITS/ACCEPTANCE OF PUBLIC IMPROVEMENTS:

26. Prior to issuance of certificate of occupancy, all public improvements, including shall be completed to the satisfaction of the City Engineer. An engineering final inspection is required. "As-built" plans shall be submitted to and approved by the City Engineer. Prior to acceptance of the improvements by the City, such plans, once approved, shall be given to the city on compact disk in AutoCad format. All off-site and on-site improvements shall

be completed to the satisfaction of the City Engineer prior to acceptance of improvements for maintenance by the City.

# Attachment 2



Existing Conditions Photos 86099 Tyler Street. (APN 603-122-001)

Figure 1: Looking South from Vista del Sur



Figure 2: Looking East along Vista del Sur



Figure 3: Looking South Along Tyler Street







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