

**ORDINANCE NO. 1189**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA APPROVING CHANGE OF ZONE 21-03 FROM M-H (MANUFACTURING HEAVY) TO M-S (MANUFACTURING SERVICE) AND ADD THE INDUSTRIAL PARK OVERLAY ZONE AMENDING THE OFFICIAL ZONING MAP FOR PROPERTY LOCATED 86695 AVENUE 54. APPLICANT: AL BARLAS REPRESENTING ARTEM ARTENYAN. (1<sup>st</sup> Reading)**

**WHEREAS**, Al Barlas (on behalf of Artem Artenyan) filed an application for Change of Zone 21-03 to change the zoning from M-H (Manufacturing Heavy) to M-S (Manufacturing Service) and add the Industrial Park Overlay Zone on a 1.29 acre developed parcel of land and attendant applications Conditional Use Permit 342 and Variance No. 21-04, located at 86695 Avenue 54; Assessor’s Parcel No. 764-280-011 (“Project”); and,

**WHEREAS**, the City has processed Change of Zone 21-03 pursuant to the Coachella Municipal Code, the California Government Code and the California Environmental Quality Act of 1970 as amended; and,

**WHEREAS**, on October 20, 2021 the Planning Commission of the City of Coachella held a duly noticed and published Public Hearing and considered the CEQA document and the proposed project and recommended to the City Council approval of Change of Zone 21-03 adopting the recommended findings and staff recommendations; and,

**WHEREAS**, on November 10, 2021 the City Council of the City of Coachella held a duly noticed and published Public Hearing wherein the public was given an opportunity to testify regarding the proposed project, and wherein the City Council approved Change of Zone 21-03 adopting the recommended findings and staff recommendations; and,

**WHEREAS**, the City Council of the City of Coachella finds that the applicant’s request for Change of Zone 21-03 is internally consistent with the overall goals, objectives, policies and implementation measures of the Coachella General Plan 2035.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** That the City of Coachella Official Zoning Map be amended as shown on the attached Change of Zone 21-03 Map marked “Exhibit A” from M-H (Manufacturing-Heavy) to M-S-IP (Manufacturing Service – Industrial Park Overlay) for 1.74 acres located at 86695 Avenue 54, with the findings listed below.

### **Findings for Change of Zone 21-03:**

1. The Project is in compliance with the applicable land use regulations and development standards of the City's Zoning Code with approval of the Change of Zone 21-03 and Variance 21-03.
2. Change of Zone No. 21-03 proposes to change the zoning of the 1.29 acre subject site at 86695 Avenue 54 from M-H (Heavy Industrial) to M-S (Manufacturing Service) and add the Industrial Park (IP) Overlay Zone. The Project complies with the applicable M-S (Manufacturing Service) zoning standards and IP Overlay Zone as proposed and with Chapter 17.85 and 17.46 of the Coachella Municipal Code regarding Cannabis Activity subject to approval of Condition Use Permit 342.
3. The subject site has been improved with on-site improvements and construction of an industrial building consistent with considerations for harmony in scale, bulk, coverage and density, availability of public facilities and utilities, and the generation of traffic and capacity of surrounding streets as required by the City of Coachella Zoning Ordinance. The Zoning Ordinance requires cannabis uses in the IP Overlay Zone to comply with minimum distance requirements from residential uses and from Avenue 52 and the proposed cannabis use complies as the distance from the site to residential uses and Avenue 52 is beyond 4,000 feet where a minimum distance is 1,000 feet is required from residential zoned lots and 800 feet from Avenue 52.
4. The Project will be compatible with neighboring properties with respect to land development patterns. The proposed cannabis business would operate in an existing industrial building and the scale, massing, and aesthetic appeal of existing development is in keeping with development of neighboring properties.
5. The City has determined that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301-(Class 1) Existing Facilities of the CEQA guidelines that provides an exemption for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use including interior or exterior alterations involving such things as interior partitions, plumbing and electrical conveyances. CUP 342 meets the criteria for a Section 15301-Class 1 CEQA exemption.
6. The proposed multi-tenant use will operate within a an existing multi-tenant industrial building on a parcel developed with vehicular approaches previously reviewed and approved by the City of Coachella and designed for reasonable minimal interference with traffic on surrounding public street or road.
7. That the strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the chapter as the subject site is located in Subarea #7 (South Employment District) and consistent

with zoning requirements of the Industrial Overlay Zone, except for the minimum project area of 10 acres, minimum individual 5 acre lot size, and minimum lot depth of 220 feet. The subject site is within a project area defined by a previous subdivision under parcel map 26716 consisting of 7.91 acres, has an individual lot size of 1.29 acres, and a lot depth of approximately 120 feet. The proposed change of zone from M-H to M-S would be consistent with the intent and purpose of the Industrial Park Overlay Zone as the subject site is within a project area that is well-planned with orderly development of industrial multi-tenant buildings with existing on-site improvements. The proposed cannabis use is consistent with the distance requirements of microbusinesses in the IP Overlay Zone from residential zones uses and Avenue 52. The existing building on the subject parcel is approximately 5,400 feet from the nearest building on a residentially zoned lot and therefore consistent with the minimum 1,000 foot distance of the use from any residentially zoned lot. Retail cannabis microbusinesses are not permitted within 800 feet of Avenue 52. The proposed business is more than 4,000 feet away from Avenue 52. Due to the subject site location significantly beyond the IP Overlay Zone and Retail Cannabis Business distance requirements for cannabis uses from residential uses and other sensitive uses, the proposed use would not present an adverse impact to the community. In fact, the change of zone from M-H to M-S would permit less intensive industrial uses permitted in the M-S zone and IP Overlay District.

8. That there are 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, in that the subject parcel is within Parcel Map 26716 and the gross area of the project area consists of 9.61 acres, inclusive of dedicated lots for Enterprise Way and Avenue 54, or .4 acres below the minimum required 10 acre project area. The site is located in boundary area designated by the City Council, Subarea #7 as appropriate for cannabis uses.
9. That such variance and change of zone is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity, but which, because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question in that the subject parcel is in a project area developed in a well-planned and orderly development as intended by the Industrial Park Overlay Zone and is within a boundary that the overlay zone is applicable to with the exception of the corresponding M-S zoning and minimum 10 acre project area. The gross project area for Parcel Map 26716, in which the subject parcel is a part, is 9.61 acres and therefore substantially consistent with the minimum required project area.
10. That the granting of such variance and approval of the change of zone 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 in that the proposed zone change of the subject site from M-H to M-S and the application of the IP Overlay Zone would reduce to intensity of industrial uses that could be permitted on-site. Furthermore, cannabis related businesses are subject to findings and conditions of a conditional use permit. If a cannabis related business operating on the subject site was determined to be operating in violation of conditions of approval of the conditional use permit then the City of Coachella Planning Commission may revoke the conditional use permit.

11. That the granting of the variance and approval of the change of zone will not adversely effect any element of the general plan. In fact, the Subarea #7 (South Employment District) identifies a vision for an employment district that contain a diversity of job-producing uses. Furthermore, policy direction for Subarea #7 allows support retail and services that support employment uses.

**Section 2. SEVERABILITY** The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

**Section 3. EFFECTIVE DATE** This ordinance shall take effect thirty (30) days after its second reading by the City Council.

**Section 4. CERTIFICATION** The City Clerk shall certify to the adoption of this Ordinance and shall cause it to be published and circulated in the City of Coachella.

ORDINANCE PASSED AND APPROVED on this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Steven Hernandez, Mayor

ATTEST:

\_\_\_\_\_  
Angela M. Zepeda, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Carlos Campos, City Attorney

I, Angela M. Zepeda, City Clerk, City of Coachella, California, certify that the foregoing Ordinance No. 1189 was adopted by the City Council at a regular meeting of the City Council held on the \_\_\_\_\_, of \_\_\_\_\_, 2021, and was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Angela M. Zepeda, City Clerk

EXHIBIT A

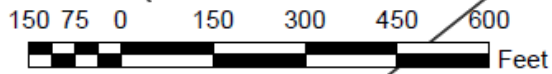


54TH AVE

**Existing M-H (Heavy Industrial) Zone  
to  
Proposed M-S (Manufacturing Service) Zone,  
Industrial Park Overlay Zone**

APN# 764-280-010 (1.74 acres)

ENTERPRISE WAY



Change of Zone 21-01 Exhibit

2021