

RESOLUTION NO. 2021-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA APPROVING CONDITIONAL USE PERMIT (CUP 342), AND VARIANCE (VAR 21-04) TO CONVERT AN EXISTING 18,960 SQUARE FOOT MULTI-TENANT INDUSTRIAL BUILDING TO ALLOW CANNABIS MICROBUSINESSES AT 86695 AVENUE 54. VARIANCE (VAR 21-04) IS REQUIRED TO ALLOW INDUSTRIAL PARK OVERLAY ZONE DEVELOPMENT WITHIN A PROJECT AREA LESS THAN 10 ACRES, ON AN INDIVIDUAL LOT SIZE LESS THAN 5 ACRES, AND A LOT DEPTH OF LESS THAN 220 FEET ON A 1.74 ACRE DEVELOPED PARCEL LOCATED AT THE 86695 AVENUE 54. AMERICAN DESERT LLC MULTI-TENANT MICROBUSINESS PROJECT, AL BARLAS REPRESENTING ARTEM ARTENYAN, APPLICANT.

WHEREAS Al Barlas (on behalf of Artem Artenyan) filed an application for Conditional Use Permit (CUP 342), Change of Zone (CZ 21-03), and Variance (VAR 21-04) to allow the establishment of a multi-tenant cannabis microbusiness property located at 86695 Avenue 54 (Assessor's Parcel No. 764-280-011); and,

WHEREAS on October 20, 2021, the Planning Commission of the City of Coachella published a public hearing notice and conducted a duly noticed public hearing on Conditional Use Permit (CUP 342), Change of Zone (CZ 21-03), Variance (VAR 21-04) and considered the application as presented by the applicant, findings, conditions and staff recommendations and recommended that the City Council approve the application as presented by the applicant, findings, conditions and staff recommendations; and

WHEREAS on November 10, 2021, the City Council of the City of Coachella published a public hearing notice, conducted a duly noticed public hearing on Conditional Use Permit (CUP 342), Change of Zone (CZ 21-03), Variance (VAR 21-04) and approved the application as presented by the applicant, findings, conditions and staff recommendations; and

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

WHEREAS the proposed use is necessary or desirable for the development of the community, is consistent with the objectives of the City's General Plan, and 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 development; and,

WHEREAS, the proposed project is exempt from the California Environmental Quality Act, as amended; 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 City Council of the City of Coachella, California hereby resolve as follows:

Section 1. Incorporation of Recitals

The City Council hereby finds that all of the facts in the Recitals are true and correct and are incorporated and adopted as findings of the City Council 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 City Council, and the facts outlined below, the City Council hereby finds and determines that the proposed project is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities). The Class 1 exemption specifically exempts from further CEQA review the operation, permitting, licensing, or minor alteration of existing facilities with negligible or no expansions of the existing use.

Furthermore, none of the exceptions to the use of the Class 1 categorical exemption identified in State CEQA Guidelines section 15300.2 apply. The project will not result in a cumulative impact from successive projects of the same type in the same place, over time. There are no unusual circumstances surrounding the project that result in a reasonable possibility of a significant effect on the environment. The project is not in a scenic corridor, will not alter or impact historic resources, and does not include any hazardous waste sites. The project consists of no physical modifications to the structure or the environment, except for interior modifications, and involves a zone change, variance and a conditional use permit to allow cannabis microbusinesses. Thus, the Class 1 exemption applies, and no further environmental review is required.

Section 3. Conditional Use Permit Findings

With respect to Conditional Use Permit (CUP) 342, the Planning Commission finds as follows for the proposed cannabis microbusiness:

1. The Conditional Use Permit is consistent with the goals, objectives, policies, and implementation measures of the Coachella General Plan 2035. The site has an Industrial District land use designation that allows for a range of light and heavy commercial and industrial businesses. The proposed uses on the site are in keeping with the policies of the Industrial District land use classification and the Project is internally consistent with other General Plan policies for this type of development. 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.

Section 4. Variance and Change of Zone Findings

With respect to Variance No. 21-04 and Change of Zone No, 21-03, the Planning Commission finds as follows for the proposed storefront retail microbusiness:

1. 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.

2. 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.
3. 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.
4. 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.

5. 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 5. City Council Approval

Based on the foregoing recitals and findings above, and the written and oral comments, facts and evidence presented, the City of Coachella City Council approves Conditional Use Permit (CUP 342) and Variance (VAR 21-04), and subject to the Conditions of Approval for the for the American Desert LLC Multi-tenant Microbusiness Project (CUP 342) set forth in “Exhibit A”

PASSED, APPROVED and ADOPTED this 10th day of November 2021.

Steven A. Hernandez
Mayor

ATTEST:

Angela M. Zepeda
City Clerk

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. 2021-73 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on the 10th day of November 2021, by the following vote of Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Andrea J. Carranza, MMC
Deputy City Clerk