

RESOLUTION NO. 2021-61

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA AFFIRMING PLANNING COMMISSION'S DECISION AND DENYING A 12-MONTH TIME EXTENSION FOR CONDITIONAL USE PERMIT NO. 305, A REQUEST TO CONVERT AN EXISTING VACANT COMMERCIAL TENANT SPACE INTO A 3,050 SQUARE FOOT CANNABIS DISPENSARY AND 4,500 SQUARE FOOT COFFEE SHOP, ART DISPLAY AND OFFICE/EVENT SPACE LOCATED AT 1639, 1645, 1657 AND 1669 6TH STREET; APPLICANT: CHERYL THOMAS.

WHEREAS, Cheryl Thomas filed an application for a 12-month time extension for Conditional Use Permit No. 305 (CUP 305): a request for a 3,050 square foot cannabis dispensary including 750 square feet for check-in and waiting area, 1,800 square feet of retail display area and 500 square feet of rear storage, inventory control and packaging to be located in Building 1 located at 1639 and 1645 6th Street; and a 4,500 square foot coffee shop, art display and office/event space to be located in Building 2 located at 1657 and 1669 6th Street ("Project"); and,

WHEREAS, the City Council completed an initial environmental assessment of the above matter in accordance with the California Environmental Quality Act (CEQA) when Conditional Use Permit 305 and Change of Zone 18-06 was approved on February 26th, 2020 and determined that the Project is exempt from CEQA pursuant to CEQA Guidelines Section 15303 (c) that exempts conversion of existing small structures from one use to another where only minor modifications are made to the exterior of the structure; and,

WHEREAS, the Project is conditionally permitted pursuant to Chapter 17.47 of the Coachella Municipal Code, subject to additional findings for Conditional Use Permits; and,

WHEREAS, the Planning Commission considered the time extension request of CUP No. 305 and CZ 18-06 on June 16, 2021 at the Coachella Permit Center, 53-990 Enterprise Way, Coachella, California regarding the proposed Project; and,

WHEREAS, the Planning Commission on June 16, 2021 voted to deny the time extension request for Conditional Use Permit 305 and CZ 18-06; and,

WHEREAS, the applicant filed an appeal to the City Council of the Planning Commission's decision to deny the 12-month time extension request for CUP 305 and CZ 18-06; and,

WHEREAS, the City Council conducted a duly noticed public hearing to consider the appeal by Cheryl Thomas for CUP No. 305 on October 13, 2021 and October 27, 2021 at the Coachella City Council Chambers at 1515 6th Street, Coachella, California regarding the proposed Project; and,

WHEREAS, City staff requested the City Council not consider the appeal of CZ 18-06 since a change of zone does not expire and the underlying RC Overlay zone continues to remain

in place by Ordinance; and,

WHEREAS, at the City Council hearing, the Applicant and members of the public were present and were afforded an opportunity to testify regarding the Project.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Coachella, California does hereby affirm the Planning Commission's decision to deny a time extension request for Conditional Use Permit No. 305, subject to the findings listed below.

Section 1. The above recitals are hereby incorporated by reference.

Section 2. At its regular meeting on September 29, 2021, the City Council conducted a public hearing on the appeal of the Planning Commission decision to deny a time extension for Conditional Use Permit for the operation of a 3,050 square foot cannabis dispensary including 750 square feet for check-in and waiting area, 1,800 square feet of retail display area and 500 square feet of rear storage, inventory control and packaging to be located in Building 1 located at 1639 and 1645 6th Street; and a 4,500 square foot coffee shop, art display and office/event space to be located in Building 2 located at 1657 and 1669 6th Street.

Section 3. Based upon the administrative record which includes the appeal application, maps, and diagrams of the property, the oral and written evidence presented at the hearing, and upon the independent discretion and criteria enumerated by Section 17.74.015(B) of the Coachella Municipal Code, the City Council finds as follows:

- A. Edward Sapigao (on behalf of Kismet Organic Cultivation) was the applicant for Conditional Use Permit 305, his application was submitted for completeness review, and was reviewed under Round 1 selection criteria determined by the City Council through Resolution 2018-07 for cannabis retailers and retail microbusinesses, which included submission of a business plan and security plan. Edward Sapigao was granted the ability to submit for development review of a CUP, among 9 other businesses, for storefront cannabis retail based on Mr. Sapigao's application ranking by a 3-member ad-hoc committee that demonstrated compliance with the selection criteria established by the City Council such as 1) location and Neighborhood Compatibility 2) Security Plan 3) Qualification/Experience of Professionals 4) Building Façade and Interior Improvements 5) Community Benefits. Edward Sapigao provided written communication that he has no further interest in whether or not the time extension is approved.
- B. Construction has not commenced or been diligently pursued toward completion as proposed in tenant improvements identified in the exhibits for Conditional Use Permit 305.

PASSED, APPROVED and ADOPTED this 27th day of October 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. 2021-61 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on the 27th day of October 2021, by the following vote of Council:

AYES: Councilmember Beaman Jacinto, Councilmember Delgado, Councilmember Galarza, Mayor Pro Tem Gonzalez, and Mayor Hernandez.

NOES: None.

ABSENT: None.

ABSTAIN: None.

Andrea J. Carranza, MMC
Deputy City Clerk