

RESOLUTION NO. 2019-67

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, APPROVING VARIANCE NO. 18-09 TO ALLOW ROOF HEIGHTS AND PARAPET WALLS TO EXCEED THE 50-FOOT HEIGHT LIMIT IN THE C-G (GENERAL COMMERCIAL) ZONE FOR A 4-STORY HOTEL AS PART OF THE PROPOSED COACHELLA TRAVEL CENTRE PROJECT LOCATED ON THE SOUTH SIDE OF AVENUE 50 BETWEEN THE WHITEWATER CHANNEL AND 86-S EXPRESSWAY. ALEX MUCINO, APPLICANT.

WHEREAS, Alex Mucino filed an application for Variance (VAR 18-09) to exceed the 50 foot height limit in the C-G zone by allowing roof and parapet wall heights ranging from 54-58 feet for a 4-story hotel on a project area of 14.1 acres located on the south side of Avenue 50 between the Whitewater Channel and (“Project”); and,

WHEREAS, Sub-section 17.76.020(b) of the Coachella Municipal Code requires the Planning Commission to make five findings of fact regarding special and exceptional circumstances necessary before granting a variance request; 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,

WHEREAS, on October 2, 2019 the Planning Commission held a duly noticed public hearing at 53-990 Enterprise Way, Coachella, California to review the project, including the Change of Zone, Conditional Use Permits, and Variance requests along with related environmental documents, at which time during the hearing members of the public were given an opportunity to testify regarding the project and continued the item to the October 16, 2019 meeting; and,

WHEREAS, on October 16, 2019 the Planning Commission continued the public hearing to the November 6, 2019 meeting wherein the public was given an additional opportunity to testify; and,

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

WHEREAS, on December 11, 2019 the City Council continued a duly noticed public hearing wherein the public was given an additional opportunity to testify; and,

WHEREAS, a Mitigated Negative Declaration was prepared and considered for the proposal pursuant to the California Environmental Quality Act, as amended.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Coachella, California does hereby approve Variance No. 18-05 with the findings and conditions listed below:

Findings for Variance No. 18-05

1. The strict application of the provisions of the Zoning Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code. 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. The subject site is a lot that is adjacent on all sides to properties designated as Industrial District in the General Plan and that are zoned either M-W (Wrecking Yard) or M-S (Manufacturing-Service). At build-out the buildings will be substantially screened from view to the street due to the rectangular shape of the lot and the 2-three story buildings where the height limit will be exceeded on the property are setback from Harrison Street. The proposed project would be compatible with future industrial developments in the vicinity of the site.
2. Such variance 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. Due the property's interior lot line dimensions and its location, the property owner is deprived of being able to maximize the development potential of the site.
3. The granting of the variance 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. The proposed commercial cannabis uses would be developed in accordance with all current development standards and building codes. This includes new landscaping and parking lot and fencing improvements in addition to the new buildings. The project would not create any objectionable odors, light or glare onto adjoining properties. The project will provide employment opportunities and there will not be any negative effect to the public welfare or property or improvements in the area.
4. The granting of the variance will not adversely affect any element of the general plan. The proposed industrial development would be consistent with land use, circulation and urban design elements of the General Plan. The proposed project will consist of new industrial buildings that will be in keeping with the light industrial and urban employment policies of the General Plan. The current General Plan land use designation of Industrial District envisions a variety of industrial building and uses intended to serve the local and regional populations. The future land uses on the site will be consistent with the General Plan.

Conditions of Approval for Variance No. 18-05:

1. Variance No. 18-05 is hereby approved to allow an increase in roof and parapet wall heights ranging from 54 to 61 feet as part of Architectural Review 18-09. All conditions of approval imposed by the attendant applications (CUP No. 310 and 311, and AR 18-05) shall remain in full force and effect.
2. The project shall comply with all applicable codes, laws and regulations, regardless of

whether they are listed in these conditions. This includes conformance with the requirements of the adopted C.B.C., C.P.C., C.M.C., N.E.C., including all requirements of the South Coast Air Quality Management District, the Riverside County Fire Department and any requirements by any other agency having jurisdiction on the project.

3. The applicant will agree to defend and indemnify the City of Coachella against all claims, actions, damages, and losses, including attorney fees and costs, in the event that anyone files legal challenges to the approval of this project. Prior to the issuance of building permits, the applicant shall execute a standard indemnification agreement subject to review by the City Attorney.

PASSED, APPROVED and ADOPTED this 11th day of December 2019.

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. 2019-67 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on the 11th day of December 2019, by the following vote of Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Andrea J. Carranza, MMC
Deputy City Clerk