



STAFF REPORT
12/11/2019

TO: Honorable Mayor and City Council Members
FROM: Luis Lopez, Development Services Director
SUBJECT: Coachella Green Haus – Retail Cannabis Business

- a) Resolution No. 2019-63 approving Conditional Use Permit 303 (CUP 303) proposes a 2,100 sq. ft. retail cannabis business as part of a new 6,900 sq. ft. multi-tenant commercial center with four (4) buildings including two (2) proposed restaurants, one (1) retail/office building and the retail cannabis business. The overall project includes 45 parking spaces including 2 handicapped stalls. CUP 303 is also proposing an interim use facility to allow a temporary retail cannabis facility that will operate while the project is under construction.
- b) Ordinance No. 1145 approving Change of Zone 18-05 that proposes to add the RC (Retail Cannabis) overlay zone to the existing M-S (Manufacturing Service) zone for the proposed retail cannabis business (*First Reading*).

STAFF RECOMMENDATION:

Staff recommends that the City Council approve the following resolutions for the Coachella Green Haus retail cannabis business, CUP 303 and CZ 18-05.

- a) Resolution No. 2019-63 approving Conditional Use Permit No. 303 that proposes a 2,100 sq. ft. retail cannabis business as part of a new 6,900 sq. ft. multi-tenant commercial center with four (4) buildings including two (2) proposed restaurants, one (1) retail/office building and the retail cannabis business. The overall project includes 45 parking spaces including 2 handicapped stalls. The project is also proposing an interim use facility to allow a temporary retail cannabis store while the project is under construction. However Staff is unable to recommend approval of the proposed interim use facility because no details of the proposed interim use have been submitted.
- b) Introduce for 1st Reading, by title only, Ordinance No. 1145 approving Change of Zone No. 18-05 that proposes to add the RC (Retail Cannabis) overlay zone to the existing M-S (Manufacturing Service) zone.

EXECUTIVE SUMMARY:

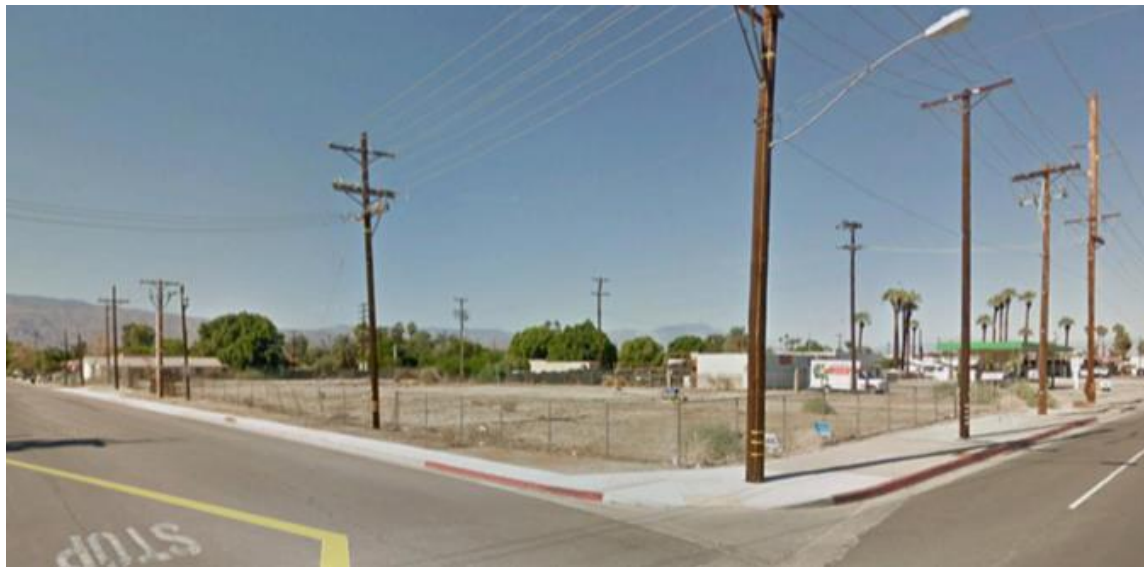
The Coachella Green Haus Project proposes a 2,100 sq. ft. retail cannabis business as part of a new 6,900 sq. ft. multi-tenant commercial center with four (4) buildings including two (2) proposed restaurants, one (1) retail/office building and the retail cannabis business. The overall project includes 45 parking spaces including 2 handicapped stalls. The project is also proposing an interim use facility to allow a 480 square foot temporary retail cannabis dispensary while the project is under construction.

BACKGROUND:

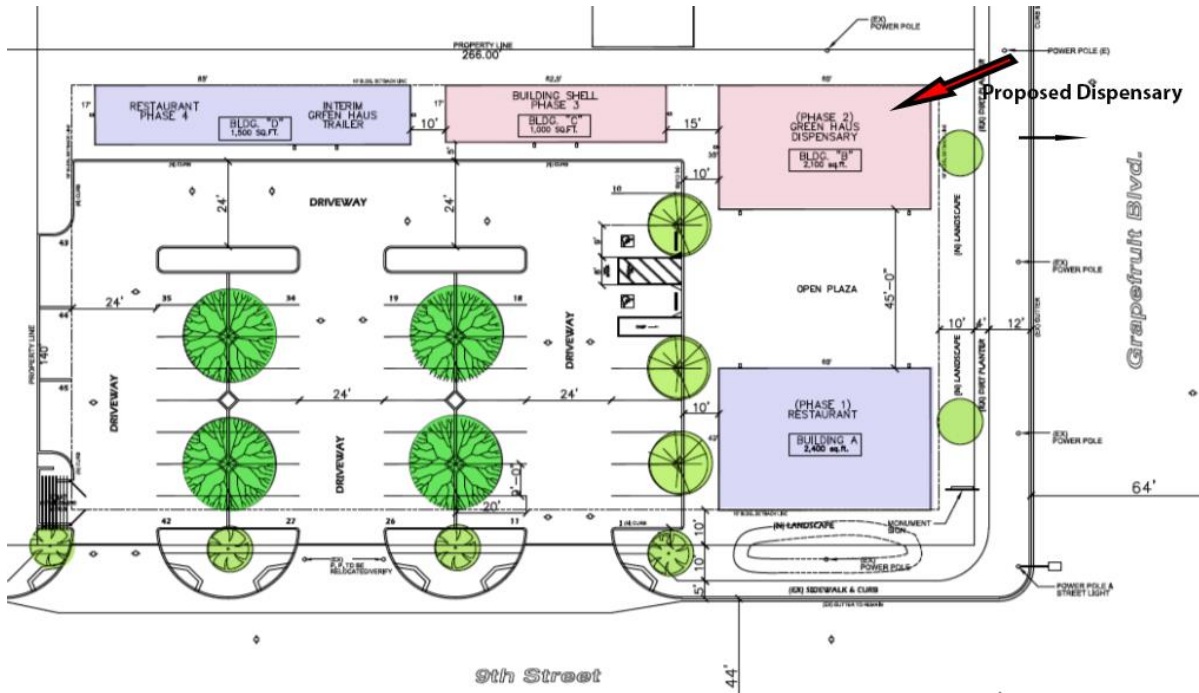
The above referenced applications are proposed on a .9-acre vacant parcel at the NW corner of Grapefruit Blvd and 9th Street as illustrated on the following exhibits including an aerial photograph and street view photographs.



Vicinity Map



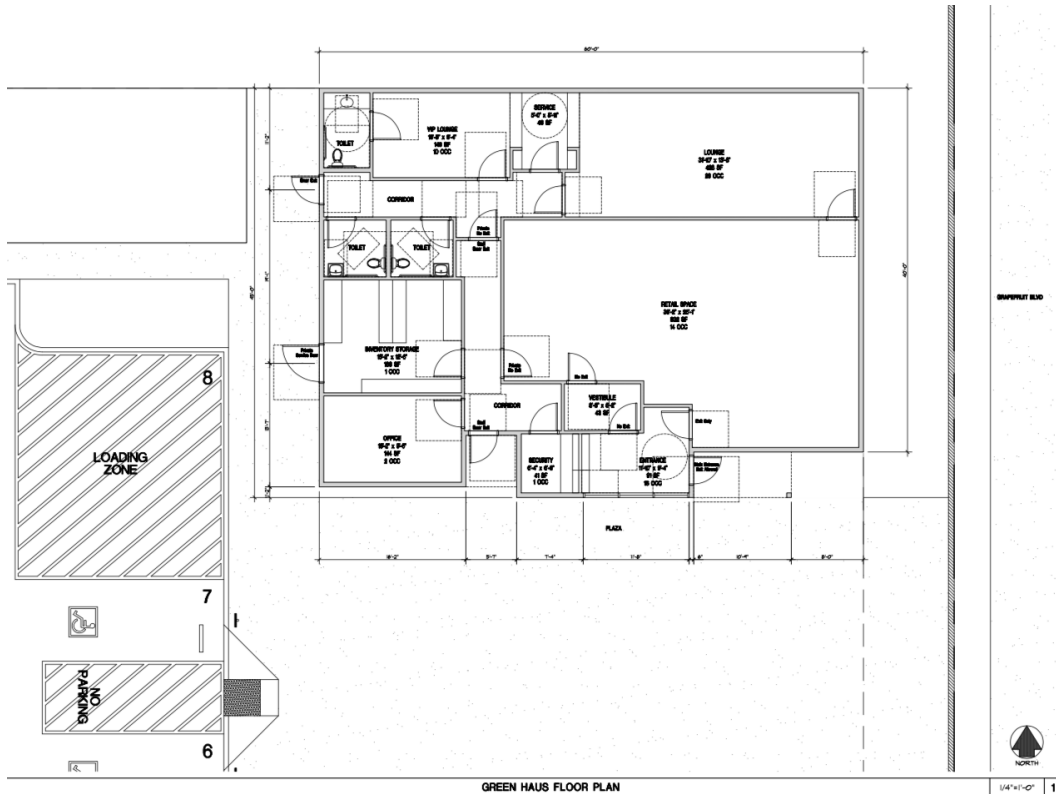
Architectural Review (AR 18-11) for was considered and approved by the Planning Commission on April 17, 2019 for the subject property. The Architectural Review approved the Pueblo Viejo Plaza Project that included four buildings including two restaurant pads and two retail/office buildings in four phases totaling 6900 square feet as seen on the exhibits below:



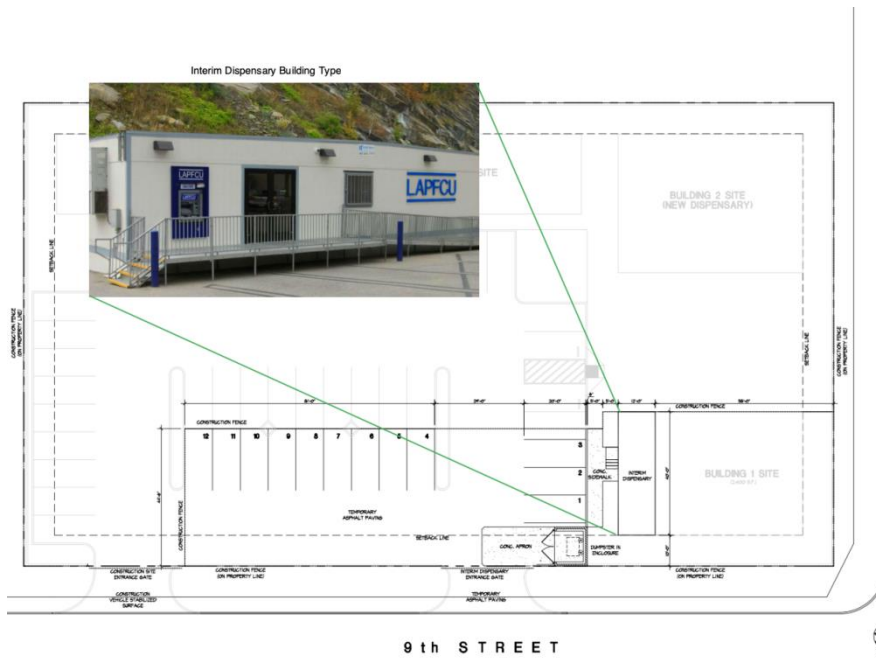
Pueblo Viejo Plaza

The Planning Commission Staff Report for AR 18-11 is included as Attachment No. 4 to this staff report.

Building B on the approved Architectural Review application, located in the northeastern portion of the site as the Green Haus dispensary. Building B is proposed as a 2100 square foot retail cannabis business within phase 2 of the Pueblo Viejo Plaza project as illustrated below:



Also proposed is a 480 square foot trailer that is proposed in the southeastern portion of the site that would operate while the permanent building is under construction as illustrated below.



DISCUSSION/ANALYSIS:

Environmental Setting:



Consistency with the Coachella General Plan

The proposed project is within the Downtown Center land use designation of the General Plan 2035 Land Use Element. The project is consistent with the development intensity permitted by the Downtown Center land use category.



The project site is zoned Manufacturing Service (M-S) as illustrated on the exhibit to the left. Surrounding properties to the north, south, east and west are zoned M-S (Manufacturing Service).

Surrounding land uses to the north, south, east and west of the site consist of manufacturing and commercial land uses.

Consistency with the (M-S) Manufacturing Service Zone

The proposed use is consistent with the M-S zone providing the retail cannabis overlay zone (RC) is approved for the site.

Consistency with Section 17.54.010 Parking and Landscaping Requirements

The project is consistent with the parking and landscaping requirements as outlined in Section 17.54.010 of the Municipal Code.

The project is within the Urban Greening Corridor that will be constructed along Grapefruit Blvd that will add amenities and greenery to Grapefruit Blvd.

Consistency with Section 17.47: RC Retail Cannabis Overlay Zone

The proposed project is within Sub-Zone 1 as identified within Chapter 17.47 of the Municipal Code. The project meets the property development standards as identified in Section 17.47.060, A-E as outlined below:

17.47.060 - Property development standards.

A. Project Area/Lot/Building Height Requirements. Except as specified in the applicable development agreement, CUP or regulatory permit, the project area, lot size, lot coverage and building height requirements of the underlying zone shall apply.

B. No Drive-Thru Retail Cannabis Facilities. No retail cannabis business within the RC Overlay Zone shall operate "drive-thru", "drive up", "window service" or similar facilities

whereby a customer can order, purchase and receive retail cannabis without leaving his or her vehicle.

C. No Non-Storefront Retailers. No retail cannabis business within the RC overlay zone shall be operated as "non-storefront" or "delivery only". Delivery may only be approved as ancillary to the operation of a permitted cannabis retail business which is physically located within the RC overlay zone and which primarily provides cannabis to customers on the premises.

D. Distance Restrictions. No retail cannabis business within the RC overlay zone shall be located within two hundred fifty (250) feet of any public or private school (K-12), day care center or youth center. The distance shall be measured from the nearest point between any part of the building containing the retail cannabis business to any lot line of the other use. For purposes of this paragraph, the following definitions shall apply:

1. "Day care center" means any child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities and school age child care centers.
2. "Youth center" means any public or private facility that is primarily used to house recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

E. Location of Customer Entrance. No retail cannabis business shall have a customer entrance that is adjacent to or directly across the street from a residentially zoned lot.

F. On-Street/Off-Street Parking and Loading.

1. Off-Street Parking and Loading. Off-street parking and loading facilities for a retail cannabis business shall be provided in accordance with the provisions of Section 17.54.010-C (1) of this title.
2. On-Street Parking and Loading. On-street parking or loading shall be prohibited for a retail cannabis business.

ENVIRONMENTAL REVIEW:

The City has determined that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 153061 (b) (3) that exempts projects where it is plainly clear that the activity has no potential to result in any significant impacts.

CORRESPONDENCE:

Copies of correspondence received on AR 18-11, the Pueblo Viejo Plaza Project are included as Attachment No. 5. No additional correspondence has been received on CUP 303 or CZ 18-05.

ALTERNATIVES:

- 1) Approve Conditional Use Permit No. 303 and Change of Zone No. 18-05 with the findings and conditions as recommended by the Planning Commission and Staff, without inclusion of the proposed interim facility.
- 2) Approve Conditional Use Permit No. 303 and Change of Zone No. 18-05 with the findings and conditions as recommended by the Planning Commission and Staff, including the proposed interim facility.
- 3) Deny Conditional Use Permit No. 303 and Change of Zone 18-05.
- 4) Continue these items and provide staff and the applicant with direction.

FISCAL IMPACT:

There are no fiscal impacts associated with approval of the Change of Zone and Conditional Use Permit actions. Retail cannabis businesses are required to pay a 6% cannabis excise tax based on gross receipts.

RECOMMENDED ACTIONS:

It is staff's recommendation that the City Council open the public hearing and allow input from all proponents and opponents of the proposed project. Because the proposed Project is in conformance with the City's General Plan and the proposed use would be consistent with the Municipal Code and compatible with the surrounding uses in the area, it is staff's recommendation that the proposed project be approved by taking the following actions:

1. Motion to adopt Resolution No. 2019-63 approving Conditional Use Permit No. 303 with the findings and attached conditions of approval.
2. Introduce for the 1st Reading, by title only, Ordinance No. 1145 approving Change of Zone No. 18-05 that proposes to add the RC (Retail Cannabis) overlay zone to the existing M-S (Manufacturing Service) zone on the property.

Attachments: Attachment No. 1: Resolution No. 2019-63 for CUP 303
Attachment No. 2: Ordinance No. 1145 for CZ 18-05
Attachment No. 3: Exhibit A: Conditions of Approval for CUP 303
Attachment No. 4: Staff Report for AR 18-11
Attachment No. 5: Correspondence received on AR-18-11