

ORDINANCE NO. 1146

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA APPROVING CHANGE OF ZONE 18-07 TO ADD THE THE RETAIL CANNABIS OVERLAY ZONE (RC) TO THE EXISTING GENERAL COMMERCIAL ZONE (C-G) ON PROPERTY LOCATED AT 1639 AND 1645 SIXTH STREET; ED SAPIGAO, APPLICANT.

WHEREAS, Ed Sapigao (on behalf of Kismet Organic Cultivation) filed an application for Change of Zone 18-07 on property located at 1639 and 1645 Sixth Street, and attendant applications Conditional Use Permit 305, Assessor's Parcel No. 778-061-009 ("Project"); and,

WHEREAS, the Planning Commission conducted a duly noticed public hearing on Change of Zone 18-07 and CUP 305 on November 6, 2019 at the Coachella Permit Center, 53-990 Enterprise Way, Coachella, California and recommended that the City Council approve Change of Zone 18-07 and CUP 305; and,

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

WHEREAS, the Project is permitted pursuant to Chapter 17.47 of the Coachella Municipal Code, and the attendant applications for a Conditional Use Permit to allow 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 City Council conducted a duly noticed public hearing on Change of Zone 18-07 and CUP 305 on February 26 2020 at the Coachella City Hall, 1515 6th Street, Coachella, California and allowed public testimony; and,

WHEREAS, the proposed site is adequate in size and shape to accommodate the proposed development; and,

WHEREAS, the site for proposed use relates properly to streets which are designed to carry the type and quantity of traffic to be generated by the proposed use; and,

WHEREAS, the Project is exempt from the provisions of 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, THE CITY COUNCIL OF THE CITY OF COACHILLA CALIFORNIA, DOES HEREBY ORDANIN AS FOLLOWS:

Section 1. That the City of Coachella Official Zoning Map be amended as shown on the attached Change of Zone 18-07 map marked “Exhibit A” from C-G (General Commercial) to CG-RC (General Commercial with the Retail Cannabis Overlay zone) on property located at 1639 and 1645 Sixth Street, with the findings listed below:

Findings for Change of Zone 18-07:

1. The Project is consistent with the goals, objectives, policies, and implementation measures of the Coachella General Plan 2035. The site has a Downtown Center land use designation that allows for the proposed development. The proposed change of zone is in keeping with the policies of the Downtown Center land use classification and the Project is internally consistent with other General Plan policies for this type of development.
2. The Project is in compliance with the applicable land use regulations and development standards of the City’s Zoning Code. The site plan proposes a cannabis retail business. The Project complies with applicable C-G (General Commercial) and Section 17.47.020 property development standards as proposed.
3. Every use, development of land and application of architectural guidelines and development standards shall be considered on the basis of the suitability of the site for a particular use or development intended, and the total development, including the prescribed development standards, shall be so arranged as to avoid traffic congestion, ensure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and shall be in accord with all elements of the general plan. The proposed change of zone is compatible with existing surrounding land uses that include commercial land uses.
4. The Project will be compatible with neighboring properties with respect to land development patterns and application of architectural treatments. The plans submitted for this Project propose a cannabis business that is permitted in the C-G (General Commercial) zone pursuant to an approved Conditional Use Permit. Surrounding properties to the project site include commercial land uses. As such, the Project will be in keeping with the scale, massing, and aesthetic appeal of the existing area and future development.
5. The Project is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303 (C) that exempts the conversion of existing small structures from one use to another where only minor modifications are made to the exterior of the structure.

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 it's 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 APPROVED and ADOPTED this 26th day of February 2020.

Steven A. 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. 1146 was adopted by the City Council at a regular meeting held on the 26th day of February 2020, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Angela M. Zepeda, City Clerk

“EXHIBIT A”

Existing Zoning: C-G (General Commercial)

Proposed Zoning: CG-RC (General Commercial-Retail Cannabis Overlay)

