

RESOLUTION NO. 2021-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA APPROVING CONDITIONAL USE PERMIT NO. 336 TO CONVERT AN EXISTING COMMERCIAL BUILDING INTO A 1,500 SQUARE FOOT RETAIL CANNABIS BUSINESS WITH A 2,000 SQUARE FOOT ART STUDY AND COFFEE SHOP WITH OUTDOOR LOUNGING SPACE AND OUTDOOR ART INSTALLATIONS AND RELATED EVENTS ON A 13,000 SQUARE FOOT DEVELOPED PARCEL LOCATED AT 85-591 GRAPEFRUIT BOULEVARD. PUEBLO CANNABIS, LLC (ARMANDO LERMA), APPLICANT.

WHEREAS Armando Lerma (on behalf of Pueblo Cannabis) filed an application for Conditional Use Permit 336 that proposes to convert an existing commercial building into a 1,500 square foot retail cannabis business with coffee shop and art gallery and outdoor lounging and art exhibition space. The art gallery will utilize 1,500 square feet of indoor space and 2,000 square feet of outdoor patio area. The project entails improvements to both the interior of the building and exterior of the site. Improvements to indoor structural, electrical, plumbing and HVAC systems are proposed as part of the Project. Exterior improvements include a new parking lot, new and upgraded landscaping along with building façade and patio area improvements on property located at 85-591 Grapefruit Boulevard (Assessor's Parcel No. 778-041-003); and

WHEREAS the Planning Commission conducted a duly noticed public hearing on Conditional Use Permit No. 336 on April 7, 2021 at the Coachella Permit Center, 53-990 Enterprise Way, Coachella, California; and

WHEREAS at the Planning Commission hearing the Applicant and members of the public were present and were afforded an opportunity to testify regarding the Project, and the Planning Commission recommended to the City Council approval of Conditional Use Permit No. 336 and the attendant Change of Zone (CZ 20-08); and

WHEREAS, the Project is permitted pursuant to Chapter 17.38 of the Coachella Municipal Code, and the attendant applications for Change of Zone (CZ 20-08) 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 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 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,

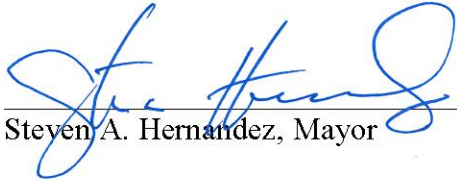
California does hereby approve Conditional Use Permit No. 336 subject to the findings listed below and the attached Conditions of Approval for the Pueblo Cannabis Project (CUP 336) (contained in “Exhibit A” and made a part herein).

Findings for Conditional Use Permit No. 336

1. The Conditional Use Permit 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 developments. The proposed uses on the site will be in keeping with the policies of the Downtown Center land use classification and the Project because it will promote pedestrian-friendly retail uses and a coffee shop, which is internally consistent with other General Plan policies for this type of development along Grapefruit Boulevard.
2. The Project is in compliance with the applicable land use regulations and development standards of the City’s Zoning Code. The site plan for CUP 336 proposes to convert the existing building into Pueblo Cannabis, a proposed 1,500 square foot indoor retail cannabis business. Pueblo Coffee will be the secondary on-site business and will utilize over 2,000 square feet of indoor and outdoor space and will be used for temporary art exhibitions, outdoor art installations, murals and special events. The proposed General Store will be the art component of Pueblo Coffee and will utilize over 1,500 square feet of indoor space and 2,000 square feet of outdoor patio area. The project entails improvements to both the interior of the building and exterior of the site. Improvements to indoor structural, electrical, plumbing and HVAC systems are proposed as part of the Project. Exterior improvements include a new parking lot, new and upgraded landscaping along with building façade and patio area improvements. The project site is located on approximately .3 acres at 85-591 Grapefruit Boulevard. The Project complies with the applicable MS-RC (Manufacturing Service-Retail Cannabis Overlay Zone) zoning standards as proposed and with Chapter 17.84 and 17.85 of the Coachella Municipal Code regarding Retail Cannabis Businesses and Commercial Cannabis Activity.
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 Project site is within the Downtown Center land use designation of the City’s general plan. This category provides for a broad spectrum of commercial land uses. The proposed uses are compatible with existing adjacent and proposed 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 proposes a 1,500 square foot indoor retail cannabis business and 2,000 square foot indoor and outdoor coffee shop that will be used for temporary art exhibitions, outdoor art installations, murals and special events. Surrounding properties to the project site include commercial land uses and residential properties. As such, the Project will be in keeping with the scale, massing, and aesthetic appeal of existing land uses and future development.
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 336 meets the criteria for a Section 1530-Class 1 CEQA exemption.

PASSED APPROVED and ADOPTED this 26th day of May 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. 2021-29 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on this 26th day of May 2021, by the following vote of the City 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

“EXHIBIT A”
CONDITIONS OF APPROVAL FOR CUP 336
PUEBLO CANNABIS RETAIL CANNABIS BUSINESS

General Conditions

1. Conditional Use Permit No. 336 is contingent upon City Council approval and adoption of the attendant Change of Zone 20-08 application. Conditional Use Permit No. 336 hereby approves a 1,500 square foot indoor retail cannabis business (Pueblo Cannabis) along with a secondary on-site business, Pueblo Coffee. Pueblo Coffee will utilize both indoor and outdoor space that will be used for temporary art exhibitions, outdoor art installations, murals and special events. Pueblo Cannabis and Pueblo Coffee are located at 85-591 Grapefruit Blvd.
2. The Applicant shall secure building permits for all tenant improvements for the businesses through the City’s Building Division and the Riverside County Fire Marshal’s office prior to the commencement of business activities. Hours of operation for the retail cannabis microbusiness (CUP 336) shall be from 9:00 am to 10:00 pm daily, unless otherwise restricted by the State of California. The owner shall procure a City Cannabis Regulatory Permit and a State License prior to commencement of business activities.
3. Conditional Use Permit No. 336 shall be valid for 12 months from the effective date of said City Council approvals unless the applicant requests an extension of time and granted by the Planning Commission. Issuance of building permits and diligent pursuit of construction will vest the Conditional Use Permit.
4. Construction plans for tenant improvements shall be in conformance with construction drawings and landscaping plans designed in accordance with the Pueblo Cannabis Retail Cannabis Business and the proposed Pueblo Coffee and the conditions of approval imposed below:
 - a. All exterior building materials and colors shall substantially match the exhibits submitted with the Pueblo Cannabis Development applications.
 - b. All fencing or garden walls shall be subject to issuance of a separate building permit by the City Building Division.
 - c. All parking lot lighting for the Project shall be consistent with the architectural design exhibits of the Project, as approved by the Development Services Director.
 - d. All masonry/wrought iron perimeter walls and garden walls shall be consistent with the submitted plans, subject to review by the Development Services Director, and subject to the City’s Building Codes.

5. All plans, as shown, are considered “conceptual,” subject to revisions as called out by the conditions of this resolution. The plans shall not be stamp-approved until all conditions requesting revisions have been satisfied during the building plan check process. Any substantial changes to the plans, including changes shown on future building permit plans deemed by Staff to not be within substantial conformance with this approval, will require an amendment to the approval of the conditional use permits, including architectural features, materials and site layout.
6. 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 U.B.C., U.P.C., U.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.
7. The applicant shall defend, indemnify and hold harmless the City of Coachella, its officials, officers, employees, and agents from and against any claim, action, or proceeding against the City, its officials, officers, employees or agents to attack, set aside, void or annul any project approval or condition of approval of the city concerning this project, including but not limited to any approval or condition of approval or mitigation measure imposed by the City Council or Planning Commission. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officials, officers, employees and agents in the defense of the City Attorney, within five days of the effective date of this approval.
8. All plan submittals are the responsibility of the developer; this includes plan submittals to the City of Coachella, the Riverside County Fire Department or to other agencies for whom plan review and approval is required.
9. Prior to the issuance of building permits, grading or construction, the following mitigation measures shall be implemented:
 - a) In the event any onsite structures are demolished, an asbestos inspection of onsite structures shall be conducted by a qualified professional in accordance with currently accepted methods and protocols. The inspection shall include, but not be limited to

visual inspection, sampling, and laboratory analysis for the presence of asbestos products, including asbestos-containing material (ACM) and asbestos-containing construction material (ACCM). Polarized Light Microscopy and other methods consistent with the US EOA 600 method shall be applied to this investigation. A comprehensive report that documents methods, findings, and appropriate mitigation measures and/or recommendations shall be provided to the City.

- b) In the event any onsite structures are demolished, a lead-based paint inspection of onsite structures shall be conducted by a qualified professional in accordance with currently accepted methods and protocols. Inspections shall be carried out in accordance with US Department of Housing and Urban Development (HUD) guidelines, as well as OSHA Lead Exposure in Construction, Code of Federal Regulations, Title 29, Section 1926. The inspection shall include, but not be limited to visual inspection, sampling, and analysis of materials suspected of containing lead paint or other lead-based materials and coatings. A comprehensive report that documents methods, findings, and appropriate mitigation measures and/or recommendations shall be provided to the City.
- c) Prior to the start of any activity that might disturb materials potentially containing asbestos, lead, and/or other hazardous or potentially hazardous materials, a qualified and licensed contractor shall be hired to complete necessary abatement procedures. All demolition and other project related actions that might potentially disturb hazardous materials shall be performed by properly trained and qualified personnel. Remediation actions are expected to include but will not be limited to the following:
 - 1. Each part of the building from which asbestos is being removed shall, as appropriate, be sealed off in order to prevent contamination of the other area. Methods of area containment may include polyethylene film, duct tape, negative air pressure machines and other appropriate means depending on the type of asbestos materials encountered.
 - 2. Specially designed vacuum cleaners that are designed for asbestos containment (class H) can be safely used when cleaning up during and after asbestos removal.
 - 3. Removed asbestos and materials with embedded or coated with asbestos shall, as appropriate, be double wrapped in plastic and driven to a landfill.
- d) If surficial or buried materials within the project site are found to contain potentially hazardous materials (such as: asbestos-containing material, lead-based paint, and mercury or PCB-containing material) such materials shall be removed properly prior to any further site disturbance in the affected area, and disposed of at appropriate landfills or recycled, in accordance with the regulatory guidance provided in California Code of Regulation (CCR) and following the requirements of the Universal Waste Rule (40 CFR part 9).
- e) During project construction and implementation, the handling, storage, transport, and

disposal of all chemicals, including herbicides and pesticides, runoff, hazardous material and waste used on, or at, the project site, shall be in accordance with applicable local, state, and federal regulations.

- f) Vapor Encroachment Screening shall be conducted in accordance with the ASTM Standard E2600-10 Standard Guide for Vapor Encroachment Screening on Property Involved in Real Estate Transactions to identify the likelihood of migrating vapors to encroach on the subject property, thereby creating a Vapor Encroachment Condition (VEC). A complete report of findings and recommended mitigation measures, if any, shall be provided to the City prior to the issuance of building permits.
- g) A vapor intrusion risk evaluation shall be conducted in accordance with most recent version of the CalEPA Department of Toxic Substances Control's "Final Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air" to identify the likelihood of vapor intrusion into future buildings and potential impacts on indoor air quality. A complete report of findings and recommended mitigation measures, if any, shall be provided to the City prior to the issuance of grading and building permits.
- h) The applicant shall provide the City with copies of permits required by the South Coast Air Quality Management District, or a written confirmation that no permits are necessary.
- i) The applicant shall satisfy all requirements of the Fire Department relating to construction, operation, and emergency response. No building permits shall be issued, and no occupancy of the buildings shall be permitted prior to written approval by the Fire Department.

Engineering – Grading and Drainage:

- 10. Site access improvements shall be in conformance with the requirements of Title 24 of the California Administrative Code. This shall include access ramps for off-site and on-site streets as required.
- 11. If the applicant is planning to build a wall(s), separate permits shall be required for wall construction. The maximum height of any wall shall be limited to six (6) feet as measured from an average of the ground elevations on either side.

Engineering – Street Improvements:

- 12. The applicant shall construct all off-site and on-site improvements including street pavement, curb, gutter, sidewalk, street trees, perimeter walls, perimeter landscaping and irrigation, storm drain, street lights, and any other incidental works necessary to complete the improvements. The main driveway along Grapefruit Boulevard serving the proposed parking lot shall be reconstructed to conform to City of Coachella standards for commercial driveways. The existing drive approach along Grapefruit Boulevard nearest the street intersection of 3rd Street shall be removed and replaced with curb, gutter and landscaping improvements to match the City's urban greening capital project improvements.

13. The applicant shall obtain an encroachment permit for any improvements constructed within public right-of-way including alleys.

Engineering-Sewer and Water Improvements

14. Sewer & Water Improvement Plans prepared by a California Registered Civil Engineer shall be submitted for engineering plan check and City Engineer approval.
15. Applicant shall construct all off-site and on-site water improvements and any other incidental works necessary to complete the improvements

Engineering – General:

16. The developer shall submit a Fugitive Dust Control and Erosion Control plan in accordance with Guidelines set forth by CMC and SCAQMD to maintain wind and drainage erosion and dust control for all areas disturbed by grading. Exact method(s) of such control shall be subject to review and approval by the City Engineer. No sediment is to leave the site. Additional securities, in bond form, in amount of \$2,000.00 per acre of gross area, and a one-time cash deposit of \$2,000.00 are required to insure compliance with this requirement. No work may be started on or off site unless the PM-10 plan has been approved, the original plans, and executed dust control agreement, are filed in the engineering department at the City of Coachella.
17. The applicant shall pay all necessary plan check, permit and inspection fees. Fees will be determined when plans are submitted to the City Engineering Department for plan check.
18. If applicable, Applicant shall comply with the valley wide NPDES permit requirements including but not limited to submittal of a Preliminary WQMP for plan review accompanied by a \$3,000 plan check deposit and a Final WQMP for final approval including executed maintenance agreement. All unused plan check fees will be refunded to the applicant upon approval of the Final WQMP.

Engineering – Completion:

19. "As-built" plans shall be submitted to and approved by the City Engineer prior to acceptance of the improvements by the City. All off-site and on-site improvements shall be completed to the City Engineer prior to acceptance of improvements for maintenance by the City.

20. Prior to issuance to of certificate of occupancy, all public improvements, including landscaping and lighting of the retention basin, and landscaped areas along the exterior streets, shall be completed to the satisfaction of the City Engineer

Environmental Compliance:

21. The applicant shall comply with the following items prior to issuance of building permits:
 - a) Facility will be required to submit detailed plumbing plans for water and sewer
 - b) Facility will be required to verify required backflow device
 - c) Facility will be required to submit sizing criteria for a grease interceptor
 - d) Facility will be required to submit a wastewater survey for all food service establishments
 - e) All floor drains must have 3/8-inch strainers to prevent debris from entering sewer
22. Prior to the issuance of a building permit, the applicant shall pay all Development Fees to the City; including outside agency fees such as sewer water and utilities. Copies of receipts shall be provided to the Development Services Department prior to permit issuance.
23. The applicant shall be responsible for paying all applicable development and processing (plan check, inspection, etc.) fees associated with this project.
24. The applicant shall pay all required water connection fees.
25. The Coachella Unified School District is authorized by the State Legislature to levy developer fee on commercial development. The Applicant or successor in interest shall pay fees in effect at the time of building permit issuance. The fees collected will be used to assist in the housing of students within the District.
26. The applicant shall obtain separate sign permits for all proposed on-site signs, including all wall signs.
27. Prior to the issuance of building permits, detailed landscaping and irrigation plans shall be submitted for review and approval by the City Development Services Director.