

RESOLUTION NO. PC2020-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COACHELLA, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, AMENDING COACHELLA MUNICIPAL CODE TITLE 17 ZONING, CHAPTERS 17.26 C-G GENERAL COMMERCIAL USE ZONE, 17.30 M-S MANUFACTURING SERVICE ZONE, 17.32 M-H HEAVY INDUSTRIAL ZONE, 17.34 M-W WRECKING YARD ZONE, 17.46 IP INDUSTRIAL PARK OVERLAY ZONE, 17.47 RC RETAIL CANNABIS OVERLAY ZONE, 17.84 RETAIL CANNABIS BUSINESSES AND 17.85 COMMERCIAL CANNABIS ACTIVITY TO UPDATE CANNABIS BUSINESS ZONING REGULATIONS, INCLUDING REGULATIONS SPECIFIC TO NON-STOREFRONT RETAIL CANNABIS BUSINESSES AND MICROBUSINESSES.

WHEREAS, pursuant to the authority granted to the City of Coachella (“City”) by Article XI, Section 7 of the California Constitution, the City has the police power to regulate the use of land and property within the City in a manner designed to promote public convenience and general prosperity, as well as public health, welfare, and safety; and,

WHEREAS, adoption and enforcement of comprehensive zoning regulations and other land use regulations lies within the City’s police power; and,

WHEREAS, on November 8, 2016, California voters passed Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act (“AUMA”), legalizing the use and possession of cannabis and cannabis products by adults aged 21 years and older; and,

WHEREAS, on June 27, 2017, Governor Brown signed into law Senate Bill 94, which repealed the Medical Cannabis Regulation and Safety Act (“MCRSA”), included certain provisions of MCRSA in the licensing provisions of AUMA, and created a single regulatory scheme for both medicinal and non-medicinal cannabis known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA” or “Act”); and,

WHEREAS, MAUCRSA retains the provisions in the MCRSA and the AUMA that granted local jurisdictions control over whether non-commercial and commercial cannabis activities could occur in a particular jurisdiction. Specifically, California Business and Professions Code section 26200 provides that MAUCRSA shall not be interpreted to supersede or limit the authority of a local jurisdiction to adopt and enforce local ordinances that completely prohibit the establishment or operation of one or more businesses licensed under the state licensing authority and shall not approve an application for a state license for a business to engage in commercial cannabis activity if approval by the state license will violate the provisions of any local ordinance or regulation. State licensing authorities began issuing licenses to cannabis businesses beginning January 1, 2018; and,

WHEREAS, MAUCRSA establishes a regulatory structure for cultivation, processing, manufacturing, tracking, quality control, testing, inspection, distribution, and retail sale of commercial cannabis, including medicinal and adult-use cannabis. The Act designates applicable responsibilities for oversight of cannabis commerce to several State agencies; and,

WHEREAS, the proposed Ordinance would amend Title 17 (Zoning), Chapters 17.26, 17.30, 17.32, 17.34, 17.46, 17.47, 17.84, and 17.85 to (i) allow non-storefront retailers in certain City zones and subject to certain property development standards, (ii) clarify the different types of cannabis microbusinesses that may operate in different City zones, and (iii) comply with current City policies and State law; and,

WHEREAS, the subject Municipal Code Amendment is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2), 15060(c)(3), and 15061(b)(3). The activity is not subject to CEQA because it will not result in a direct or reasonably foreseeable indirect physical change in the environment; the activity is not a project as defined in Section 15378 of the California Public Resources Code, and the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant impact on the environment. Where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA; and,

WHEREAS, the Planning Commission of the City of Coachella (“Planning Commission”) conducted a properly noticed public hearing on April 15, 2020 at which members of the public were afforded an opportunity to comment upon this Ordinance, the recommendations of staff, and other public testimony; and,

WHEREAS, after said public hearing, the Planning Commission recommended that the City Council approve this Ordinance;.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF COACHELLA, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Recommendation to City Council. Based on the entire record before the Planning Commission, all written and oral evidence presented to the Planning Commission, and the findings made in the staff report and this Resolution, the Planning Commission of the City of Coachella hereby recommends that the City Council adopt Ordinance No. _____ entitled: “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, AMENDING COACHELLA MUNICIPAL CODE TITLE 17 ZONING, CHAPTERS 17.26 C-G GENERAL COMMERCIAL USE ZONE, 17.30 M-S MANUFACTURING SERVICE ZONE, 17.32 M-H HEAVY INDUSTRIAL ZONE, 17.34 M-W WRECKING YARD ZONE, 17.46 IP INDUSTRIAL PARK OVERLAY ZONE, 17.47 RC RETAIL CANNABIS OVERLAY ZONE, 17.84 RETAIL CANNABIS BUSINESSES AND 17.85 COMMERCIAL CANNABIS ACTIVITY TO UPDATE CANNABIS BUSINESS ZONING REGULATIONS, INCLUDING REGULATIONS SPECIFIC TO NON-STOREFRONT RETAIL

CANNABIS BUSINESSES AND MICROBUSINESSES” which is attached hereto as Attachment “A” and incorporated herein by reference.

SECTION 2. Findings. The Planning Commission finds that the amendments to the Coachella Municipal Code (Zoning) proposed by the above referenced ordinance are consistent with the goals and policies of all elements of the General Plan and exercise the City’s land use powers to protect the health, safety, and welfare of the public which would be put at risk if commercial cannabis activity is allowed to move forward in the City without local regulation and enforcement abilities.

The Planning Commission also finds that the proposed amendments to the Coachella Municipal Code (Zoning) would not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that they will regulate commercial cannabis activity as a land use, by allowing the use with a conditional use permit in selected zoning districts and under certain restrictions.

The Planning Commission also finds that the proposed amendments to the Coachella Municipal Code (Zoning) are internally consistent with other applicable provisions of this Zoning Code, in that commercial cannabis activity would be subject to specified zoning districts and to findings necessary to grant a conditional use permit.

SECTION 3. CEQA. The Planning Commission finds that this Resolution is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 4. Certification. The Secretary shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED by the members of the City of Coachella Planning Commission on this 15th day of April, 2020.

Javier Soliz,
Planning Commission Chair

ATTEST:

Yesenia Becerril, Planning Commission Secretary

APPROVED AS TO FORM:

Carlos Campos, City Attorney

I, Yesenia Becerril, Planning Secretary, City of Coachella, California, certify that the foregoing Resolution was adopted by the Planning Commission at a regular meeting of the Planning Commission held on the 15th day of April, 2020, and was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Yesenia Becerril
Planning Commission Secretary

ATTACHMENT “A”

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, AMENDING COACHELLA MUNICIPAL CODE TITLE 17 ZONING, CHAPTERS 17.26 C-G GENERAL COMMERCIAL USE ZONE, 17.30 M-S MANUFACTURING SERVICE ZONE, 17.32 M-H HEAVY INDUSTRIAL ZONE, 17.34 M-W WRECKING YARD ZONE, 17.46 IP INDUSTRIAL PARK OVERLAY ZONE, 17.47 RC RETAIL CANNABIS OVERLAY ZONE, 17.84 RETAIL CANNABIS BUSINESSES AND 17.85 COMMERCIAL CANNABIS ACTIVITY TO UPDATE CANNABIS BUSINESS ZONING REGULATIONS, INCLUDING REGULATIONS SPECIFIC TO NON-STOREFRONT RETAIL CANNABIS BUSINESSES AND MICROBUSINESSES