



STAFF REPORT
4/15/2020

TO: Planning Commission Chair and Commissioners

FROM: Luis Lopez, Development Services Director

SUBJECT: Revocation of Conditional Use Permit (CUP 312) that allowed a 3,250 sq. ft. Retail Cannabis Microbusiness on 20,000 square feet of land located at 84-161 Avenue 48 for “The Coachella Lighthouse, LLC”. City- Initiated Revocation.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission revoke Conditional Use Permit No. 312 (CUP 312) based upon numerous violations of the Conditions of Approval of CUP 312.

On February 27, 2019, the Planning Commission granted with conditions Conditional Use Permit No. 312 (CUP 312) for a 3,250 square foot retail cannabis microbusiness at the above location. Pursuant to Condition No. 3 of CUP 312, the Development Services Director conducted a 12-month review of CUP 312 and determined that the permittee failed to comply with the Conditions of Approval of CUP 312.

REQUIRED FINDINGS

Pursuant to Section 17.84.070 of the Coachella Municipal Code, the Planning Commission may consider a conditional use permit for revocation if the applicant or permittee or owner, its agent, employee, or any person connected or associated with the applicant or permittee:

- (1) Has knowingly made false statements in the applicant's application or in any reports or other supporting documents furnished by the applicant or permittee;
- (2) Has failed to maintain a valid state license;
- (3) Has failed to comply with any applicable provision of the Coachella Municipal Code, including, but not limited to, this chapter, the city's building, zoning, health, and public safety regulations;
- (4) Has failed to comply with any condition imposed on the conditional use permit; or
- (5) Has allowed the existence of or created a public nuisance in violation of the Coachella Municipal Code.

In addition, pursuant to Section 17.74.050(B)(1) of the Coachella Municipal Code, the Planning Commission may consider a conditional use permit for revocation if one or more conditions are not complied with.

DISCUSSION/ANALYSIS

Several Conditions of Approval of CUP 312 have been violated. The following chart describes the Conditions of Approval of CUP 312 that are in violation:

CONDITIONS OF APPROVAL OF CUP 312	VIOLATION OF CUP 312
<p>Condition No. 2(a) of CUP 312 states: “Approval of Conditional Use Permit No. 312 is contingent upon City Council approval of the attendant Second Amendment to the Glenroy Resort Development Agreement, or a separate Development Agreement, granting an entitlement for a retail cannabis microbusiness and subject to compliance with the following performance schedule... The first phase of the Glenroy Resort Hotel shall be completed and open for business within 90 days of January 1, 2019.”</p>	<p>According to a review of City records and inspections of the property, as of the date of the public hearing on April 15, 2020, the first phase of the Glenroy Resort Hotel is not complete or open for business. There are numerous unfinished buildings on the property and construction activities for the Resort Hotel were halted approximately 12 months ago.</p>
<p>Condition No. 2(b) of CUP 312 states: “Approval of Conditional Use Permit No. 312 is contingent upon City Council approval of the attendant Second Amendment to the Glenroy Resort Development Agreement, or a separate Development Agreement, granting an entitlement for a retail cannabis microbusiness and subject to compliance with the following performance schedule... The perimeter landscaping and fencing improvements for the retail cannabis microbusiness shall be completed within 60 days of the effective date of Conditional Use Permit No. 296.”</p>	<p>According to inspections of the property, as of the date of the public hearing on April 15, 2020, the perimeter fencing improvements for the retail cannabis microbusiness have not been completed. The front portion of the business currently has no fencing.</p>
<p>Condition No. 2(c) of CUP 312 states: “Approval of Conditional Use Permit No. 312 is contingent upon City Council approval of the attendant Second Amendment to the Glenroy Resort Development Agreement, or a separate Development Agreement, granting an entitlement for a retail cannabis microbusiness and subject to compliance with the following performance schedule... The improvements required under Condition #5 of CUP 296 for additional glazing on the façade of the retail cannabis microbusiness shall be</p>	<p>According to inspections of the property, as of the date of the public hearing on April 15, 2020, additional glazing on the façade of the retail cannabis microbusiness was not completed. The front of the building has large blank walls with minimal glazing and no plans have been submitted showing additional glazing to be installed.</p>

CONDITIONS OF APPROVAL OF CUP 312	VIOLATION OF CUP 312
completed within 60 days of the effective date of Conditional Use Permit No. 296.”	
Condition No. 5 of CUP 312 states: “The applicant or successor in interest shall comply with all conditions of approval imposed upon Architectural Review No. 17-07. The front façade of the business shall incorporate additional glazing on the front façade, subject to review by the Development Services Director.”	According to inspections of the property, as of the date of the public hearing on April 15, 2020, the front façade of the business did not incorporate additional glazing. The front of the building has large blank walls with minimal glazing and no plans have been submitted showing additional glazing to be installed.
Condition No. 6 of CUP 312 states: “A comprehensive sign program for the Glenroy Resort project must be reviewed and approved by the Planning Commission prior to the issuance of any sign permits for the retail cannabis microbusiness. The front façade of the retail cannabis microbusiness may have one identification sign and one secondary ‘logo sign’ placed on the front façade.”	According to a review of City records, as of the date of the public hearing on April 15, 2020, no comprehensive sign program for the Glenroy Resort project was reviewed or approved by the Planning Commission.
Condition No. 14 of CUP 312 states: “The owner shall install a conforming trash enclosure for solid waste and recyclables within 250 feet of the proposed cannabis retail microbusiness.”	According to inspections of the property, as of April 8, 2020, no conforming trash enclosure for solid waste and recyclables has been installed within 250 feet of the cannabis retail microbusiness. The trash bin is stored in an open area adjacent to the southwest corner of the parking lot adjoining the business.
Condition No. 15 of CUP 312 states: “The owner shall install a minimum of five bicycle racks in front of the retail cannabis microbusiness, or adjacent to the parking lot serving the proposed business.”	According to inspections of the property, as of April 8, 2020, there are no bicycle racks in front of the retail cannabis microbusiness or adjacent to the parking lot serving the business.
Condition No. 16 of CUP 312 states: “The fencing along Avenue 48 may consist of a decorative wrought iron fence with a maximum height of five feet. The parking lot security gates shall consist of low barrier, non-automated gates to remain open during all hours of business operation. All entry gates must be reviewed and approved by the Fire Marshal’s Office and the Building Official.”	According to inspections of the property, as of April 8, 2020, there is no fencing installed in front of the business and no fencing along the front portion of the adjoining parking lot serving the business.

Pursuant to Condition No. 3 of CUP 312, the Development Services Director conducted a 12-month review of CUP 312. As part of this review, on March 9, 2020, the Development Services Director mailed a letter to Quonset Partners LLC, care of Joseph Rubin, requesting written status of compliance with the Conditions of Approval. Quonset Partners LLC failed to respond to the

letter. The Development Services Director concluded his review and determined that the project failed to comply with the Conditions of Approval of CUP 312.

On March 24, 2020, the City issued a letter to all interested parties, Coachella Lighthouse, LLC, Quonset Partners LLC, and Inception RE Credit Holds, LLC, demanding compliance with the Conditions of Approval by April 14, 2020, which they failed to meet.

Staff conducted a site visit of The Lighthouse property and the adjoining parking area to the west on April 8, 2020. Staff observed the lack of compliance with several of the conditions of approval as noted above. Shown below are some of these photographs with a description of the violation of the condition of approval.



Landscaping along Avenue 48 is missing the required "Perimeter Fencing"



“Blank Wall Façade” is missing required additional glazing



Front Entry is missing “Bicycle Racks”



“No Trash Enclosure” - Trash bin is stored in the open parking area.

As noted above, numerous Conditions of Approval of CUP 312 are being violated. Due to this noncompliance, as authorized by Section 17.84.070(D) and Section 17.74.050(B)(1) of the Coachella Municipal Code, revocation of CUP 312 is determined the appropriate City response.

CORRESPONDENCE:

Attached to this letter is correspondence received from owners of The Lighthouse including a letter to the County Tax Collector asking for relief, and a letter from the owner’s attorney requesting to enter into an agreement with the City in order to avoid the CUP 312 revocation in consideration of upfront payments of hotel taxes (TOT – Transient Occupancy Tax) and a new promise to open the Glenroy Resort Hotel in a timely manner. This second matter is being negotiated with the City Council and City Attorney and may cause a stay on the Planning Commission’s revocation of CUP 312 if the City Council decides to execute this new agreement.

Additionally, staff received a phone call from a resident that lives on the corner of Avenue 48 and Luzon Street who registered a concern regarding traffic safety due to vehicles exiting the site onto Avenue 48. Staff explained to the caller that once the road is widened and a raised center median is installed along Avenue 48, as part of the Riverside County Avenue 48 Improvement project, and once a traffic signal is installed at Luzon Street and Avenue 48, these traffic concerns will be substantially mitigated.

ALTERNATIVES:

1. Adopt Resolution No. 2020-03 and Terminate CUP 312
2. Direct Staff to Modify the Conditions of Approval of CUP 312
3. Continue this item and provide staff direction.
4. Take no action.

CONCLUSIONS AND RECOMMENDATIONS

Based on the facts noted in this staff report and the documentation attached hereto, staff recommends Alternative #1, noted above, for the Planning Commission to adopt Resolution No. PC2020-03 and;

1. Determine that the project is Categorically Exempt pursuant to Section No. 15321 (Enforcement Actions by Regulatory Agencies) of the CEQA; and,
2. Revoke Conditional Use Permit No. 312.

Attachments: Resolution No. PC2020-03
 CUP 312 (Coachella City Council Resolution 2019-07)
 March 9, 2020 Compliance Verification Letter
 March 24, 2020 Compliance Demand Letter
 Public Hearing Notice
 Correspondence