



Coachella Civic Center, Hearing Room
53-462 Enterprise Way, Coachella, California
(760) 398-3502 ♦ www.coachella.org

AGENDA

OF A REGULAR MEETING
OF THE
CITY OF COACHELLA
PLANNING COMMISSION

October 20, 2021
6:00 PM

PURSUANT ASSEMBLY BILL 361,
ALONG WITH THE GOVERNOR'S STATE OF EMERGENCY DECLARATION ISSUED ON MARCH 4, 2020,
THIS MEETING MAY BE CONDUCTED VIA TELECONFERENCE.

IF YOU WOULD LIKE TO ATTEND THE MEETING **VIA ZOOM**, HERE IS THE LINK:

[HTTPS://US02WEB.ZOOM.US/J/89785377649?pwd=SzFJcMfvWHBQMXNsUCtJNHZZOENWdz09](https://us02web.zoom.us/j/89785377649?pwd=SzFJcMfvWHBQMXNsUCtJNHZZOENWdz09)

OR ONE TAP MOBILE :

US: +16699006833,,89785377649#,,, *809812# US

OR TELEPHONE:

US: +1 669 900 6833

WEBINAR ID: 897 8537 7649

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PUBLIC COMMENTS MAY BE RECEIVED **VIA EMAIL, TELEPHONICALLY, OR VIA ZOOM** WITH A LIMIT OF **250 WORDS, OR THREE MINUTES:**

IN REAL TIME:

IF PARTICIPATING IN REAL TIME VIA ZOOM OR PHONE, DURING THE PUBLIC COMMENT PERIOD, USE THE **"RAISE HAND"** FUNCTION ON YOUR COMPUTER, OR WHEN USING A PHONE, PARTICIPANTS CAN RAISE THEIR HAND BY PRESSING *9 ON THE KEYPAD.

IN WRITING:

WRITTEN COMMENTS MAY BE SUBMITTED TO THE COMMISSION ELECTRONICALLY VIA EMAIL TO GPerez@Coachella.org. TRANSMITTAL **PRIOR TO THE START** OF THE MEETING IS REQUIRED. ALL WRITTEN COMMENTS RECEIVED WILL BE FORWARDED TO THE COMMISSION AND ENTERED INTO THE RECORD.

IF YOU WISH, YOU MAY LEAVE A MESSAGE AT **(760) 398-3102, EXTENSION 122, BEFORE 4:00 P.M.** ON THE DAY OF THE MEETING.

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OF AGENDA:

“At this time the Commission may announce any items being pulled from the agenda or continued to another date or request the moving of an item on the agenda.”

APPROVAL OF THE MINUTES

1. Minutes - Planning Commission Meeting October 6, 2021

WRITTEN COMMUNICATIONS:

PUBLIC COMMENTS (NON-AGENDA ITEMS):

“The public may address the Commission on any item of interest to the public that is not on the agenda, but is within the subject matter jurisdiction thereof. Please limit your comments to three (3) minutes.”

REPORTS AND REQUESTS:

NON-HEARING ITEMS:

PUBLIC HEARING CALENDAR (QUASI-JUDICIAL):

2. American Desert LLC Multi-tenant Microbusiness Project
 - a) Conditional Use Permit 342 proposes to convert an existing 18,960 square foot multi-tenant (12 units) industrial building into multi-tenant microbusiness at 86695 Avenue 54. (APN 764-280-011)
 - b) Change of Zone No. 21-03 proposes to add the Industrial Park Overlay zone (IP) and change the existing zone from M-H (Heavy Industrial) to the M-S (Manufacturing Service) Zone on a 1.29 acre developed parcel located at 86695 Avenue 54.
 - c) Variance No. 21-04 to allow the proposed Industrial Park Overlay Zone on a project area less than a 10 acres, individual lot less than 5 acres, and a lot depth less than 220 feet.
3. Review of Ordinance No. 1188 amending the Coachella Municipal Code regarding Interim Outdoor Cannabis Cultivation. City-Initiated.

INFORMATIONAL:

ADJOURNMENT:

Complete Agenda Packets are available for public inspection in the

*Planning Department at 53-990 Enterprise Way, Coachella, California, and on the
City's website www.coachella.org.*

THIS MEETING IS ACCESSIBLE TO PERSONS WITH DISABILITIES



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MINUTES

OF A REGULAR MEETING
OF THE
CITY OF COACHELLA
PLANNING COMMISSION

October 06, 2021
6:00 PM

CALL TO ORDER:

Meeting was called to order at 6:06p.m. by Chair Virgen. The meeting was conducted via Zoom meeting and available to the public via Zoom meeting.

PLEDGE OF ALLEGIANCE:

Pledge of allegiance lead by Commissioner Figueroa.

ROLL CALL:

Commissioners Present: Alternate Commissioner Leal, Commissioner Figueroa, Commissioner Gonzalez, Vice Chair Navarrete, Chair Virgen. (All Planning Commissioners participated via teleconference)

Staff Present: *Gabriel Perez, Development Services Director
*Nikki Gomez, Associate Planner
*Rosa Montoya, Planning Technician

*Participated in meeting via teleconference

APPROVAL OF AGENDA:

It was moved by Commissioner Navarrete and seconded by Commissioner Gonzales to approve the agenda as it was published for the Planning Commission Meeting of August 4th, 2021 :

AYES: Alternate Commissioner Leal, Commissioner Figueroa, Commissioner Gonzalez, Vice Chair Navarrete, Chair Virgen.

APPROVAL OF THE MINUTES:

None.

WRITTEN COMMUNICATIONS:

None.

PUBLIC COMMENTS (NON-AGENDA ITEMS):

None.

REPORTS AND REQUESTS:

Chair Virgen requested an update on the Lighthouse Dispensary at the next Planning Commission Meeting. Gabriel Perez, Development Services Director, announced that the City Council was approving the

NON-HEARING ITEMS:

None.

PUBLIC HEARING CALENDAR (QUASI-JUDICIAL):

**** Prior to presentation commencement, Commissioner Gonzalez recused himself and left the Zoom Dais at this time.*

1. Zoning Ordinance Amendment (ZOA 21-03) amending Sections 17.72.010 and 17.74.050 of Title 17 (ZONING) of the Coachella Municipal Code to regulate time extension requests for Architectural Review and Conditional Use Permits.

Chair Virgen opened the public hearing, and there being no public testimony, closed the public hearing

IT WAS MOVED BY COMMISSIONER NAVARRETE AND SECONDEDED BY CHAIR VIRGEN TO ADOPT RESOLUTION NO. PC 2021-21, A RESOLUTION OF THE CITY OF COACHELLA PLANNING COMMISSION RECOMMENDING TO THE COACHELLA CITY COUNCIL APPROVAL OF ZONING ORDINANCE AMENDMENT 21-03, AMENDMENTS TO SECTIONS 17.72.010 AND 17.74.050 OF TITLE 17 (ZONING) OF THE COACHELLA MUNICIPAL CODE TO REGULATE TIME EXTENSION REQUESTS FOR ARCHITECTURAL REVIEW AND CONDITIONAL USE PERMITS

Approved by the following roll call vote:

AYES: Vice Chair Navarrete, Chair Virgen, Alternate Commissioner Leal, Commissioner Figueroa, and Commissioner Gonzalez

ABSTAIN: None.

ABSENT: None.

2. CSC Growers, LLC requests a Conditional Use Permit (CUP) to allow interim outdoor cannabis cultivation of 24 hoop houses on a vacant 5 acre site located at the southeast corner of Tyler Street and Vista del Sur (86099 Tyler Street).

Chair Virgen opened the public hearing

Nicolas Meza, applicant, discussed the intent of the perimeter landscaping consisting of pyracantha shrubs for screening and aesthetics. Mr. Meza also stated he was unaware of the written correspondence submitted by the 29 Palm Band of Missions Indians and C & J Desert Properties in opposition to the project, but stated that another cannabis business was approved closer to the 29 Palms Band of Mission Indians property than his property.

Chair Virgen closed the public hearing

IT WAS MOVED BY COMMISSIONER GONZALEZ AND SECONDED BY CHAIR VIRGEN TO ADOPT RESOLUTION NO. PC 2021-22, A RESOLUTION OF THE CITY OF COACHELLA PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT 344 TO ALLOW INTERIM OUTDOOR CANNABIS CULTIVATION ON A 5 ACRE SITE LOCATED AT 86099 TYLER STREET, COACHELLA, CA 92236 (APN 603-122-001); APPLICANT: CSC GROWERS LLC, NICOLAS MEZA
****With the modified engineering conditions of approval presented in the errata sheet by Gabriel Perez, Development Services Director and adding the word “applicant” between “The” and “shall” in condition of approval #6.*

Approved by the following roll call vote:

AYES: Commissioner Gonzalez, Vice Chair Navarrete, Chair Virgen, Commissioner Figueroa, Alternate Commissioner Leal.

NOES: None.

ABSTAIN: None.

ABSENT: None.

[DECISION FINAL. SUBJECT TO APPEAL OR CALL UP BY COUNCIL.]

INFORMATIONAL:

- Gabriel Perez, Development Services Director, introduced Nikki Gomez, Associate Planner, as a new employee with the City of Coachella. Mr. Perez also announced the resignation of Yesenia Becerril, Community Development Technician and Planning Commission Secretary, from the Development Services Department.
- Nikki Gomez, Associate Planner, announced the Housing Element Update workshop scheduled for October 14, 2021 at 6 p.m.

ADJOURNMENT:

Meeting Adjourned by Chair Virgen at 6:59 pm by Chair Virgen.

Respectfully Submitted by,

Gabriel Perez
Planning Commission Secretary

*Complete Agenda Packets are available for public inspection in the
Planning Department at 53-990 Enterprise Way, Coachella, California, and on the
City’s website www.coachella.org.*

THIS MEETING IS ACCESSIBLE TO PERSONS WITH DISABILITIES



STAFF REPORT
10/20/2021

TO: Planning Commission

FROM: Gabriel Perez, Development Services Director

SUBJECT: American Desert LLC Multi-tenant Microbusiness Project

- a) Conditional Use Permit 342 proposes to convert an existing 18,960 square foot multi-tenant (12 units) industrial building into multi-tenant microbusiness at 86695 Avenue 54. (APN 764-280-011)
- b) Change of Zone No. 21-03 proposes to add the Industrial Park Overlay zone (IP) and change the existing zone from M-H (Heavy Industrial) to the M-S (Manufacturing Service) Zone on a 1.29 acre developed parcel located at 86695 Avenue 54.
- c) Variance No. 21-04 to allow the proposed Industrial Park Overlay Zone on a project area less than a 10 acres, individual lot less than 5 acres, and a lot depth less than 220 feet.

EXECUTIVE SUMMARY:

The applicant, American Desert LLC, proposes to convert an existing 18,960 square foot multi-tenant industrial building located at 86695 Avenue 54 to allow microbusinesses consisting of cultivation, manufacturing and distribution only with no storefront retail. The project will potentially have a total of 12 tenants on a 18,960 square foot lot.

Change of Zone No. 21-03 proposes to add the Industrial Park (IP) Overlay Zone and change the existing M-H (Heavy Industrial) Zone to the M-S (Manufacturing Service) Zone on the project site. A variance is required to allow the IP Overlay Zone on a project area less than 10 acres, individual lot less than 5 acres, and a lot depth less than 220 feet.

BACKGROUND:

The above referenced applications are proposed on a 1.29 acre parcel, located at the southwest corner of Avenue 54 and Enterprise Way (86695 Avenue 54). The aerial photograph below illustrates the subject site for the conditional use permit and change of zone applications.

According to Riverside County Assessor records, the existing building was constructed around 1991.



The photographs below were taken from Google Earth. The first photograph illustrates the exterior elevation of the existing industrial building.



DISCUSSION/ANALYSIS

ENVIRONMENTAL SETTING

The site is 1.29 acre developed parcel zoned M-H (Heavy Industrial) within the Rancho Coachella Business Park. The existing 12-unit building is currently occupied by 9 tenants, which includes the Coachella Valley Teachers Association, Alejandro Cervantes Contractor, Thermiculture Management, Growers Topping and Hedging LLC, Three Generations Harvesting, Premium Packing Inc, and Agro Labor Services. The applicant has indicated that there is one tenant suite vacancy. The surrounded land uses and zoning classification include the following:

- North:** Multi-tenant industrial building and Avenue 54/ M-S (Manufacturing Service) Zone
- South:** Oraway Engineering Building/ M-H (Heavy Industrial) Zone
- East:** Vacant parcel/ M-H (Heavy Industrial) Zone
- West:** Industrial buildings/ M-H (Heavy Industrial) Zone

Project Analysis

The project site is owned by American Desert LLC, which consists of an 18,960 sq. ft. multi-tenant industrial building with 12 tenant suites, each measuring approximately 1,500 square feet at 86695 Avenue 54. Currently, the project owner is not proposing tenant improvements as part of project. The applicant proposes to allow multi-tenant cannabis microbusinesses to occupy suites to include activities such as cultivation, manufacturing, and distribution only, with no retail sales. The applicant anticipates that there will be multiple business occupants and that a tenant could occupy one or more of the suites.

Change of Zone No. 21-03 proposes to add the Industrial Park (IP) Overlay zone to the site and change the existing M-H (Heavy Industrial) Zone to M-S (Manufacturing Service) Zone on the project site. A change of zone (CZ 21-01) to add the IP Overlay Zone and a change of the base zone from M-H to M-S Zone was recently adopted by the City Council on the developed 1.74 acre parcel directly north of the subject site to allow for a storefront retail microbusiness with a Conditional Use Permit (CUP 337) within the existing 31,600 sq. ft. multi-tenant building.

The site plan and floor plan of the existing building is illustrated on the following page. The plans are provided for reference and no tenant improvements are proposed at this time. No on-site or off-site improvements are required by the City for this project since the building is existing and the site is developed with parking, driveways and landscaping. There are 55 existing parking spaces available on-site that serve the existing building suites.

CONSISTENCY WITH ZONING

The subject site is zoned M-H (Heavy Industrial) and is within Sub-Area #7 (South Employment District) as identified in Chapter 17.26, Industrial Park Overlay Zone, which allows the Industrial Park (IP) Overlay Zone to be applied to properties that are zoned M-S (Manufacturing Service) and are a minimum of project area of ten acres. The IP Overlay Zone allows for Cannabis cultivation, processing, testing, manufacturing, wholesale distribution and/or retail sale with approval of a conditional use permit (CUP). The subject 1.29 acre parcel, within a 7.91 project area subdivision (Parcel Map 26716) is less than the ten acre project area minimum and less than the minimum individual 5 acre lot size required for the IP Overlay Zone. The subject parcel has a lot depth of approximately 120 feet, less than the 220 foot minimum lot depth required for the IP Overlay Zone. The subject parcel is in the M-H zone and therefore ineligible to apply the IP Overlay Zone. The applicant requests a change of zone from the M-H zone to M-S zone and a variance from the minimum 10 acre project area, 5 acre minimum individual lot size, and 200 foot minimum lot depth requirements. The approval of the proposed variance request and change of zone from M-H and M-S zone would allow the applicant to also apply the IP Overlay Zone to the subject parcel.

ENVIRONMENTAL IMPACT CONSIDERATION

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 342, Change of Zone 21-03, and Variance 21-04 meet the criteria for a Section 15301, Class 1 CEQA exemption.

CORRESPONDENCE

Please see attachments for correspondence received on this project.

ALTERNATIVES:

- 1) Adopt Resolution No. PC 2021-23 recommending to the City Council approval of Conditional Use Permit No. 342, Change of Zone No. 21-03, and Variance 21-04 with the findings and conditions as recommended by Staff.
- 2) Deny Conditional Use Permit No. 342, Change of Zone No. 21-03, and Variance 21-04.
- 3) Continue these items and provide staff and the applicant with direction.

RECOMMENDED ALTERNATIVE(S):

Staff recommends alternative #1.

Attachments:

1. PC Resolution No. 2021-23 for CUP No. 342, Change of Zone No. 21-03, Variance No. 21-04.
Exhibit A - Conditions of Approval
2. Existing Conditions Photos
3. Vicinity Map
4. Site Plan
5. Floor Plan
6. Applicant Justification Letter
7. Correspondence from IID and Riverside County Fire

RESOLUTION NO. PC2021-23

A RESOLUTION OF THE CITY OF COACHELLA PLANNING COMMISSION RECOMMENDING TO THE COACHELLA CITY COUNCIL APPROVAL OF CONDITIONAL USE PERMIT (CUP 342), CHANGE OF ZONE (CZ 21-03), AND VARIANCE (VAR 21-04) TO CONVERT AN EXISTING 18,960 SQUARE FOOT MULTI-TENANT INDUSTRIAL BUILDING TO ALLOW CANNABIS MICROBUSINESSES AT 86695 AVENUE 54. CHANGE OF ZONE (CZ 21-03) PROPOSES TO CHANGE THE EXISTING ZONE FROM M-H (HEAVY INDUSTRIAL) TO M-S (MANUFACTURING SERVICE ZONE) AND ADD THE INDUSTRIAL PARK OVERLAY ZONE AT 86695 AVENUE 54. VARIANCE (VAR 21-04) IS REQUIRED TO ALLOW INDUSTRIAL PARK OVERLAY ZONE DEVELOPMENT WITHIN A PROJECT AREA LESS THAN 10 ACRES, ON AN INDIVIDUAL LOT SIZE LESS THAN 5 ACRES, AND A LOT DEPTH OF LESS THAN 220 FEET ON A 1.29 ACRE DEVELOPED PARCEL LOCATED AT THE 86695 AVENUE 54; AMERICAN DESERT LLC MULTI-TENANT MICROBUSINESS PROJECT, AL BARLAS REPRESENTING ARTEM ARTENYAN, APPLICANT.

WHEREAS Al Barlas (on behalf of Artem Artenyan) filed an application for Conditional Use Permit (CUP 342), Change of Zone (CZ 21-03), and Variance (VAR 21-04) to allow the establishment of a multi-tenant cannabis microbusiness property located at 86695 Avenue 54 (Assessor's Parcel No. 764-280-011); and,

WHEREAS on October 20, 2021, the Planning Commission of the City of Coachella published a public hearing notice and conducted a duly noticed public hearing on Conditional Use Permit (CUP 342), Change of Zone (CZ 21-03), Variance (VAR 21-04) and considered the application as presented by the applicant, findings, conditions and staff recommendations; and

WHEREAS the Applicant and members of the public were present and were afforded an opportunity to testify regarding 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 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 Planning Commission of the City

of Coachella, California hereby resolve as follows:

Section 1. Incorporation of Recitals

The Planning Commission hereby finds that all of the facts in the Recitals are true and correct and are incorporated and adopted as findings of the Planning Commission as fully set forth in this resolution.

Section 2. CEQA Findings

Based upon its review of the entire record, including the Staff Report, any public comments or testimony presented to the Planning Commission, and the facts outlined below, the Planning Commission hereby finds and determines that the proposed project is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities). The Class 1 exemption specifically exempts from further CEQA review the operation, permitting, licensing, or minor alteration of existing facilities with negligible or no expansions of the existing use. Since the project consists only of the permitting and licensing of a business for full alcohol sales, the project qualifies for the Class 1 exemption.

Furthermore, none of the exceptions to the use of the Class 1 categorical exemption identified in State CEQA Guidelines section 15300.2 apply. The project will not result in a cumulative impact from successive projects of the same type in the same place, over time. There are no unusual circumstances surrounding the project that result in a reasonable possibility of a significant effect on the environment. The project is not in a scenic corridor, will not alter or impact historic resources, and does not include any hazardous waste sites. The project consists of no physical modifications to the structure or the environment, except for interior modifications, and involves a zone change, variance and a conditional use permit to allow a storefront retail microbusiness. Thus, the Class 1 exemption applies, and no further environmental review is required.

Section 3. Conditional Use Permit Findings

With respect to Conditional Use Permit (CUP) 342, the Planning Commission finds as follows for the proposed cannabis microbusiness:

1. The Conditional Use Permit is consistent with the goals, objectives, policies, and implementation measures of the Coachella General Plan 2035. The site has an Industrial District land use designation that allows for a range of light and heavy commercial and industrial businesses. The proposed uses on the site are in keeping with the policies of the Industrial District land use classification and the Project is internally consistent with other General Plan policies for this type of development. The Project is in compliance with the applicable land use regulations and development standards of the City's Zoning Code with approval of the Change of Zone 21-03 and Variance 21-03.
2. Change of Zone No. 21-03 proposes to change the zoning of the 1.29 acre subject site at 86695 Avenue 54 from M-H (Heavy Industrial) to M-S (Manufacturing Service) and add the Industrial Park (IP) Overlay Zone. The Project complies with the applicable M-S (Manufacturing Service) zoning standards and IP Overlay Zone as proposed and with Chapter 17.85 and 17.46 of the Coachella Municipal Code regarding Cannabis Activity subject to

approval of Condition Use Permit 342.

3. The subject site has been improved with on-site improvements and construction of an industrial building consistent with considerations for harmony in scale, bulk, coverage and density, availability of public facilities and utilities, and the generation of traffic and capacity of surrounding streets as required by the City of Coachella Zoning Ordinance. The Zoning Ordinance requires cannabis uses in the IP Overlay Zone to comply with minimum distance requirements from residential uses and from Avenue 52 and the proposed cannabis use complies as the distance from the site to residential uses and Avenue 52 is beyond 4,000 feet where a minimum distance is 1,000 feet is required from residential zoned lots and 800 feet from Avenue 52.
4. The Project will be compatible with neighboring properties with respect to land development patterns. The proposed cannabis business would operate in an existing industrial building and the scale, massing, and aesthetic appeal of existing development is in keeping with development of neighboring properties.
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 342 meets the criteria for a Section 15301-Class 1 CEQA exemption.
6. The proposed multi-tenant use will operate within a an existing multi-tenant industrial building on a parcel developed with vehicular approaches previously reviewed and approved by the City of Coachella and designed for reasonable minimal interference with traffic on surrounding public street or road.

Section 4. Variance and Change of Zone Findings

With respect to Variance No. 21-04 and Change of Zone No, 21-03, the Planning Commission finds as follows for the proposed storefront retail microbusiness:

1. That the strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the chapter as the subject site is located in Subarea #7 (South Employment District) and consistent with zoning requirements of the Industrial Overlay Zone, except for the minimum project area of 10 acres, minimum individual 5 acre lot size, and minimum lot depth of 220 feet. The subject site is within a project area defined by a previous subdivision under parcel map 26716 consisting of 7.91 acres, has an individual lot size of 1.29 acres, and a lot depth of approximately 120 feet. The proposed change of zone from M-H to M-S would be consistent with the intent and purpose of the Industrial Park Overlay Zone as the subject site is within a project area that is well-planned with orderly development of industrial multi-tenant buildings with existing on-site improvements. The proposed cannabis use is consistent with the distance requirements of microbusinesses in the IP Overlay Zone from

residential zones uses and Avenue 52. The existing building on the subject parcel is approximately 5,400 feet from the nearest building on a residentially zoned lot and therefore consistent with the minimum 1,000 foot distance of the use from any residentially zoned lot. Retail cannabis microbusinesses are not permitted within 800 feet of Avenue 52. The proposed business is more than 4,000 feet away from Avenue 52. Due to the subject site location significantly beyond the IP Overlay Zone and Retail Cannabis Business distance requirements for cannabis uses from residential uses and other sensitive uses, the proposed use would not present an adverse impact to the community. In fact, the change of zone from M-H to M-S would permit less intensive industrial uses permitted in the M-S zone and IP Overlay District.

2. That there are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings, that do not apply generally to other property in the same zone and vicinity, in that the subject parcel is within Parcel Map 26716 and the gross area of the project area consists of 9.61 acres, inclusive of dedicated lots for Enterprise Way and Avenue 54, or .4 acres below the minimum required 10 acre project area. The site is located in boundary area designated by the City Council, Subarea #7 as appropriate for cannabis uses.
3. That such variance and change of zone is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity, but which, because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question in that the subject parcel is in a project area developed in a well-planned and orderly development as intended by the Industrial Park Overlay Zone and is within a boundary that the overlay zone is applicable to with the exception of the corresponding M-S zoning and minimum 10 acre project area. The gross project area for Parcel Map 26716, in which the subject parcel is a part, is 9.61 acres and therefore substantially consistent with the minimum required project area.
4. That the granting of such variance and approval of the change of zone will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the property is located in that the proposed zone change of the subject site from M-H to M-S and the application of the IP Overlay Zone would reduce to intensity of industrial uses that could be permitted on-site. Furthermore, cannabis related businesses are subject to findings and conditions of a conditional use permit. If a cannabis related business operating on the subject site was determined to be operating in violation of conditions of approval of the conditional use permit then the City of Coachella Planning Commission may revoke the conditional use permit.
5. That the granting of the variance and approval of the change of zone will not adversely effect any element of the general plan. In fact, the Subarea #7 (South Employment District) identifies a vision for an employment district that contain a diversity of job-producing uses. Furthermore, policy direction for Subarea #7 allows support retail and services that support employment uses.

Section 5. Planning Commission Approval

Based on the foregoing recitals and findings above, and the written and oral comments, facts and evidence presented, the City of Coachella Planning Commission recommends to the City Council approval of Conditional Use Permit (CUP 342), Change of Zone (CZ 21-03) as set forth in “Exhibit B”, and Variance (VAR 21-04) for the American Desert LLC Multi-tenant Microbusiness Project and subject to the Conditions of Approval for the (CUP 342) set forth in “Exhibit A”

PASSED APPROVED and ADOPTED this 20th day of October 2021.

Stephanie Virgen, Chairperson
Coachella Planning Commission

ATTEST:

Gabriel Perez
Planning Commission Secretary

APPROVED AS TO FORM:

Carlos Campos
City Attorney

I HEREBY CERTIFY that the foregoing Resolution No. PC2021-23, was duly adopted at a regular meeting of the Planning Commission of the City of Coachella, California, held on the 20th day of October 2021, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gabriel Perez
Planning Commission Secretary

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 337, ; AMERICAN DESERT LLC MULTI-
TENANT MICROBUSINESS PROJECT**

General Conditions

1. Conditional Use Permit No. 342 is contingent upon City Council approval and adoption of the attendant Change of Zone 21-03 and Variance 21-03 application. Conditional Use Permit No. 342 hereby allows for operation of cannabis microbusiness, including cultivation, manufacturing and distribution only, within the existing multi-tenant industrial building at 86695 Avenue 54.
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 cannabis business (CUP 342) 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. 342 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. The conditional use permit shall expire and shall become void one year following the date on which the conditional use became effective, unless prior to the expiration of one year a building permit for a commercial cannabis is issued and construction is commenced and diligently pursued toward completion, or a certificate of occupancy is issued.
4. Conditional Use Permit No. 342 permits commercial cannabis activity allowed as a conditional use in the Industrial Park Overlay Zone subject to adoption of Change of Zone 21-03, except storefront retail microbusinesses. A storefront retail microbusiness is subject to a separate discretionary approval process authorized by the Coachella City Council.
5. Construction plans for tenant improvements for each unit proposed to be occupied as a microbusiness shall be submitted and require approval by the Development Services Department prior to the commencement of business activities.
6. The cannabis use shall not result in the creation of any odors detectable from anywhere off the property boundaries. The use of carbon filtration systems and other mitigation measures shall be used on all cannabis activities that cause such odors in compliance with an odor control plan. The City Manager or designee may impose additional or modified odor control plan restrictions.
7. 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 permit.

8. 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.
9. 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.
10. 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.
11. Cannabis operators shall timely file quarterly cannabis tax returns and remit required cannabis tax payments.

Environmental Compliance:

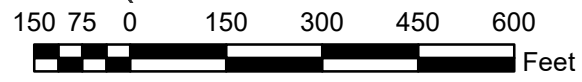
12. The applicant shall comply with the following items prior to issuance of building permits:
 - a) Submit detailed plumbing and mechanical plans;
 - b) Facility will be required to submit a fixture count worksheet to determine additional loading to sewer
 - c) Submit a Source Control survey to determine impacts to sewer;
 - d) Submit a Pollution Prevention Plan for nutrient storage room; SDS sheets required for all chemicals used onsite;
 - e) To prevent debris from entering sewer, project must install strainers on all floor drains of at least 3/8" opening.
 - f) Provide permit from Water Boards Cannabis Cultivation program



ENTERPRISE WAY

**Existing M-H (Heavy Industrial) Zone
to
Proposed M-S (Manufacturing Service) Zone,
Industrial Park Overlay Zone**

APN# 764-280-011 (1.29 acres)



Existing Conditions Photos



View of Existing Building and Parking lot looking West



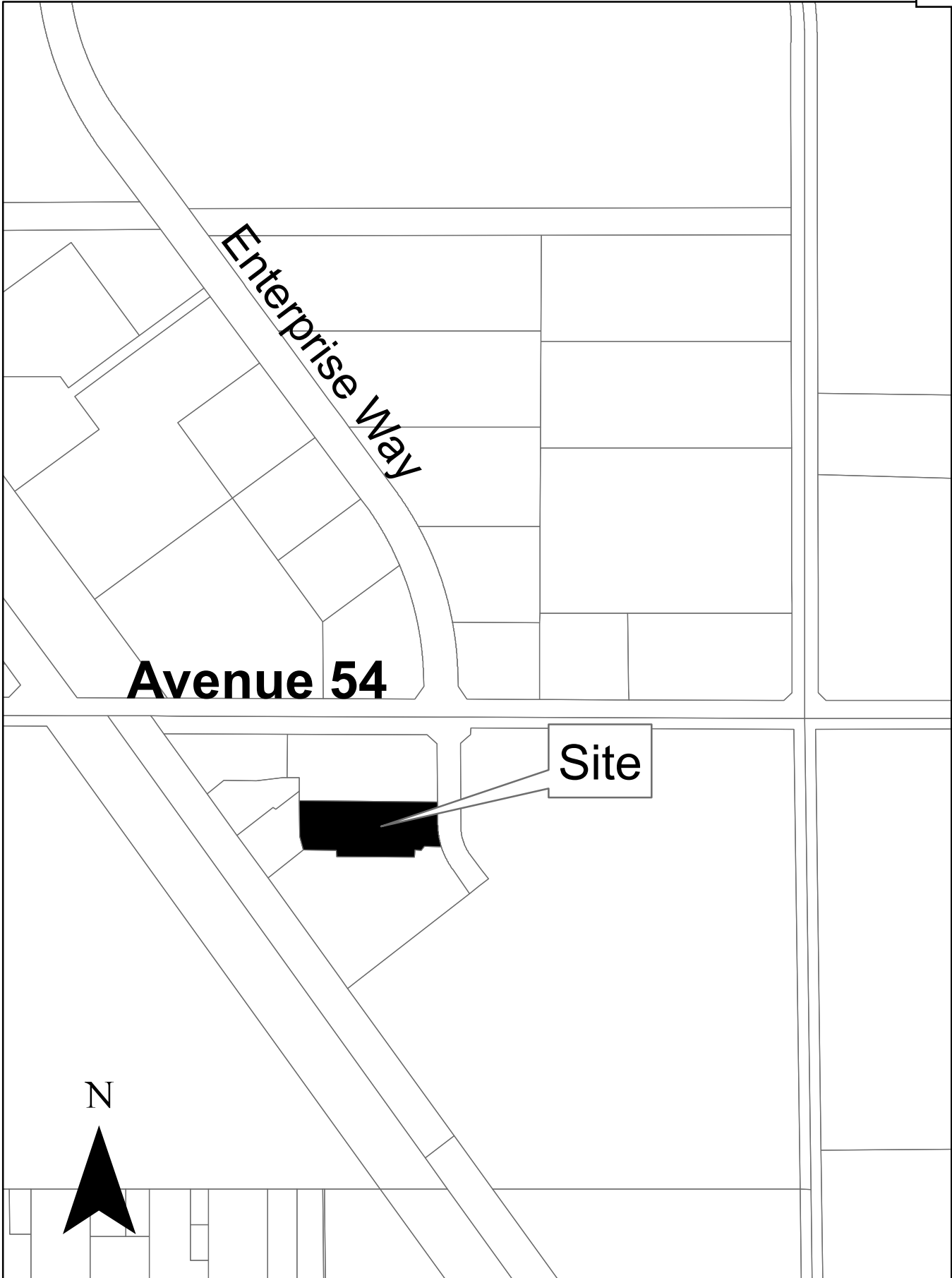
West Building Elevation



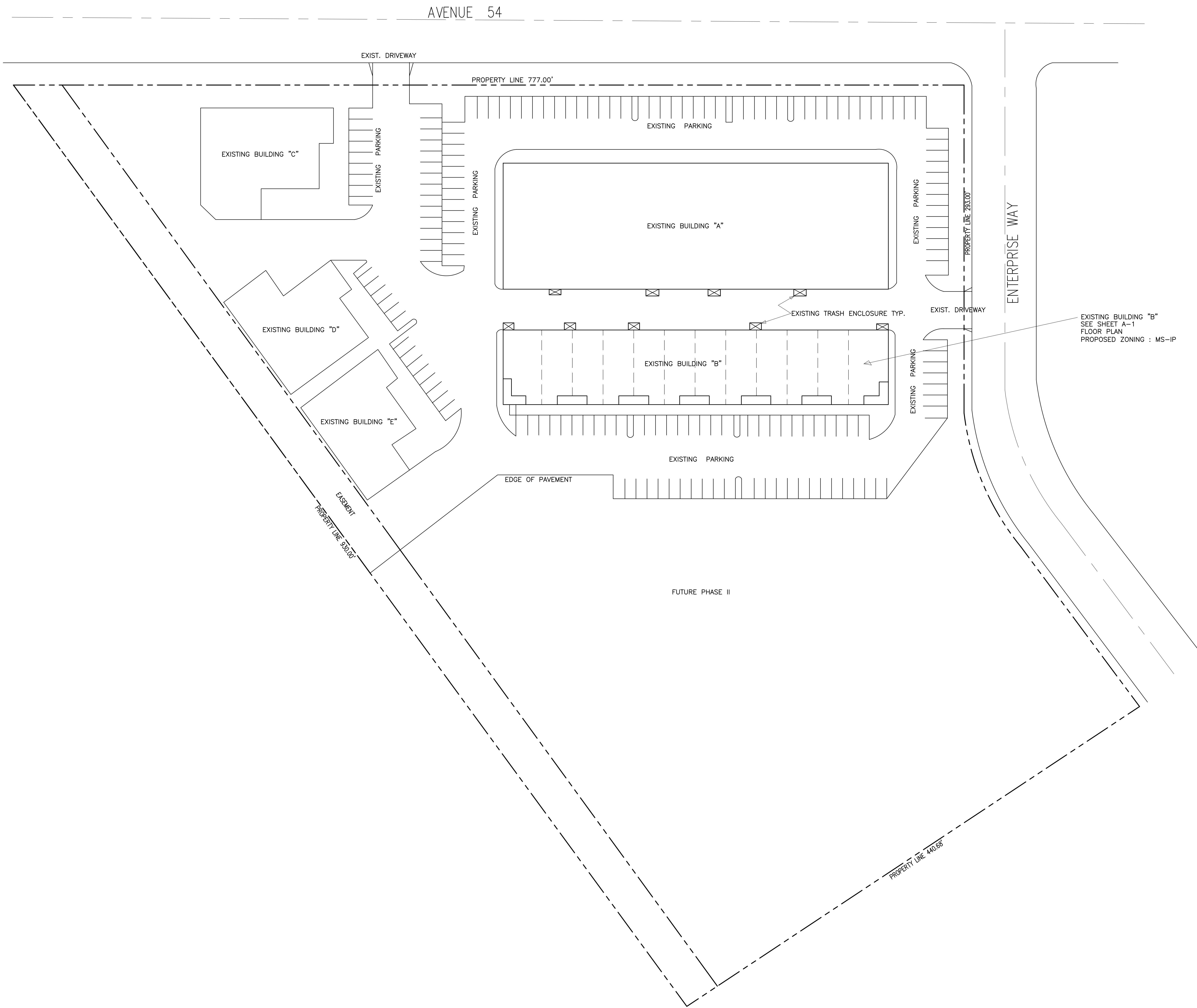
Rear Service Driveway



Industrial Building to the East of subject site



Attachment 4



EXISTING SITE PLAN

SCALE: 1" = 40'-0"



SCOPE OF WORK

1. PROPOSED ZONING CHANGE FROM MH-IP TO MS-IP.

PROJECT TEAM

DESIGNER: GEORGE SPURGEON DESIGNS
 2306 LARK CT.
 OFFICE (909) 319-4074
 GWSDESIGN@ATT.NET

PROJECT INFORMATION

LOT SIZE	5.1 ACRES.
CONSTRUCTION TYPE	TYPE V-B
SPRINKLERED:	NO
ZONING	MH-IP
NUMBER OF STORIES	ONE
EXISTING BLDG. DATA	18,960 SQ.FT. BUILDING "B"
CODES/REGULATIONS	2019 CBC, CMC, CPC, CEC, CRC & CAC TITLE 24 2019 ENERGY STANDARDS

GEORGE SPURGEON DESIGNS
 2306 LARK CT. THERMAL, CA. 92274
 OFFICE (909) 319-4074 EMAIL: gwsdesign@att.net

CHANGE OF ZONING BUILDING - "B"
 86695 AVE 54
 COACHELLA, CA. 92236

ISSUE	ISSUE DESCRIPTION	DATE

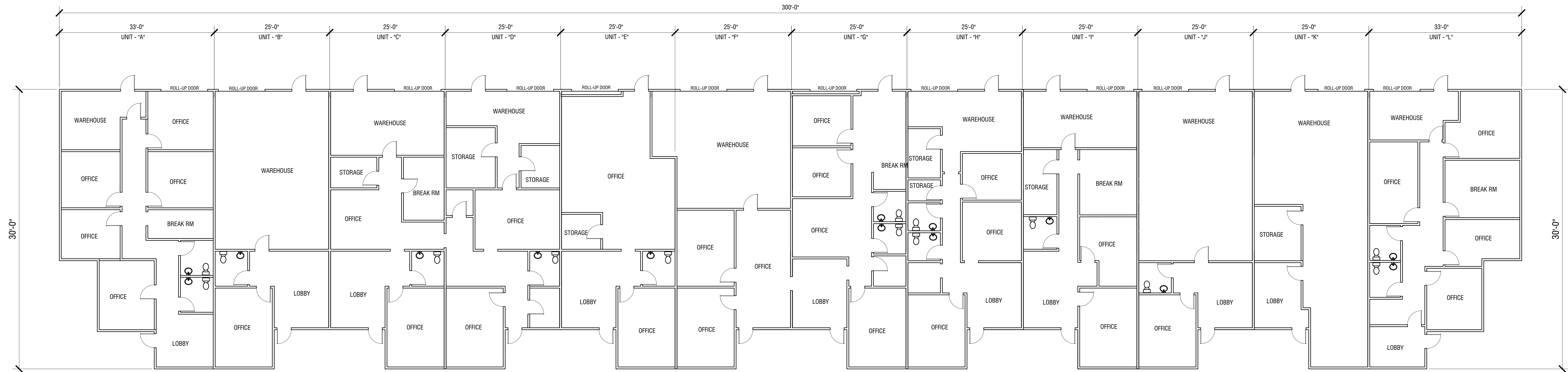
STAMP

DRAWN BY:	GWS
SHEET	
SCALE	AS NOTED

SP-1

Attachment 5

GEORGE SPURGEON DESIGNS
 2306 LARK CT. THERMAL, CA. 92274
 OFFICE/CELL (909) 319-4074 EMAIL: gvsdesign@att.net



EXISTING FLOOR PLAN BUILDING "B"

SCALE: 1/8"=1'-0"

CHANGE OF ZONING BUILDING - "B"
 86695 AVE 54
 COACHELLA, CA. 92236

ISSUE	ISSUE DESCRIPTION	DATE

STAMP

DRAWN BY: GWS
 SHEET:
 SCALE: AS NOTED

A-1

08-25-2012

City of Coachella Planning Division
1515 South Street, Coachella CA 92236

Applicant: American Desert LLC- 15303 Arrow Blvd, Fontana CA 92335+

Project Name: American Desert LLC

86695 Ave 54, Coachella CA 92336

APN 763 280 011

Staff:

This letter will confirm that the applicant AL Barlas (On behalf of American Desert LLC) filed an application for Conditional Use Permit (July 12 2021), Change of zone (CZ 21-01), and Variance (VAR 21-91)

The proposed variance request is necessary for the continue development of the community, it consistent with the objectives of the city General Plan, and is not detrimental to the existing uses specifically permitted in the zone which the proposal use is to be located.

The proposed project will operate in suite withing an existing multi-tenant industrial building on a parcel developed with Vehicular approaches previously reviewed and approved by the City of Coachella and designed for reasonable minimal interference with traffic on surrounding public street or road.

The proposed project site (763280011) is adjacent to project site (763280010) which summitted similar variance request and approval (CUP 337) via publish public hearing and resolution PC2021-16 and adopted on Aug 4th.

The granting such variance and approval of the change of zone will allow the development of new cannabis business. Such variances are necessary for the preservation and enjoyment of a substantial property right and use generally possessed by other property in the same zone and vicinity. But which because of such special circumstances and practical difficulties or unnecessary hardships is denied to the property in question in that that the subject parcel is in an industrial park overlay zone and withing the boundary that the overlay zone is applicable to with the exception of the corresponding M-S zoning and minimum 10 acres project area. The gross project area for parcel map 267816, in which the subject parcel is apart, is 9.61 acres and therefore substantially consistent with the minimum required project area.

Thank you for your consideration.

Al Barlas



CAL FIRE – RIVERSIDE UNIT RIVERSIDE COUNTY FIRE DEPARTMENT

BILL WEISER - FIRE CHIEF

77-933 Las Montañas Rd., Ste. #201, Palm Desert, CA 92211-4131 • Phone (760) 863-8886
• Fax (760) 863-7072
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- LAKE ELSINORE
- LA QUINTA
- MENIFEE
- MORENO VALLEY
- NORCO
- PALM DESERT
- PERRIS
- RANCHO MIRAGE
- RUBIDOUX CSD
- SAN JACINTO
- TEMECULA
- WILDOMAR

BOARD OF SUPERVISORS:

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DISTRICT 1
- KAREN SPIEGEL
DISTRICT 2
- CHARLES WASHINGTON
DISTRICT 3
- V. MANUEL PEREZ
DISTRICT 4
- JEFF HEWITT
DISTRICT 5

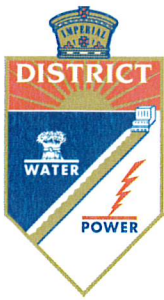
Planning Case Conditions

Date: 8/24/21
City Case Number: CUP342
Project Name: Multi Tenant Building for Cannabis Business
Reviewed By: Chris Cox, Assistant Fire Marshal
Fire Department Permit Number: FPCUP2100121
 East Office of the Fire Marshal Responsibility

With respect to the conditions of approval for the referenced project, the Fire Department requires the following fire protection measures in accordance with Riverside County Ordinances and/or recognized fire protection standards:

1. Cannabis Facilities: Construction plans for carbon dioxide enrichment systems, gas detection systems, plant processing and extraction systems shall be reviewed and approved by the Office of the Fire Marshal prior to the issuance of construction permits. Refer to the Riverside County Office of the Fire Marshal Technical Policies #TP16-004 and #TP16-005.
2. Prior to building permit issuance, a hazardous materials inventory statement shall be provided to the Office of the Fire Marshal. An occupancy with quantities exceeding the maximum allowable quantity per control area as indicated in Tables 5003.1.1(1) through 5003.1.1(4) of the California Fire Code shall be classified as a Group H occupancy. The construction of control areas and the maximum number of control areas within a building shall be in accordance with the California Building Code. The chemical inventories of multi-tenant spaces within a building shall be accumulated to determine the quantity limitations within a control area and a building.
3. Addressing: All commercial buildings shall display street numbers and suite numbers or letters in a prominent location on the street side of the premises and additional locations as required. Ref. CFC 505.1

If you have any questions or comments, then please contact me at 760-393-3386 or chris.cox@fire.ca.gov.



IID

A century of service.

August 26, 2021

Mr. Gabriel Perez
Assistant Community Development Director
Development Services Department
City of Coachella
1515 6th Street
Coachella, CA 92236

SUBJECT: American Desert Multi-tenant Microbusinesses Project in Coachella, CA;
CZ 21-03, VAR 21-04 & CUP 342

Dear Mr. Perez:

On August 13, 2021 the Imperial Irrigation District received from the City of Coachella Development Services Department, a request for agency comments on the American Desert, LLC cannabis project; Change of Zone no. 21-03, Variance no. 21-04 & Conditional Use Permit no. 342. The applicant, Al Barlas representing Artem Artenyan, proposes to occupy an existing 18,960 sq. ft. multi-tenant industrial building and rent to possible tenants that will use the space to cultivate/grow, manufacture and distribute cannabis, non-retail. The potential tenants may occupy single or multiple units and will do their own improvements based on applicable city codes & requirements. The building is located at 86695 Avenue 54 in Coachella, CA (APN 763-280-011).

The IID has reviewed the project information and has the following comments:

1. IID will not begin any studies, engineering or estimate costs to provide electrical service to the project until the applicant submits a customer project application (available at <http://www.iid.com/home/showdocument?id=12923> and detailed loading information, panel sizes, project schedule and estimated in-service date. Applicant shall bear all costs associated with providing electrical service to the project, including but not limited to the construction of an additional feeder breaker, distribution line extensions and underground conduit systems, in addition to the re-configuration of distribution lines and upgrades as well as applicable permits, zoning changes, landscaping (if required by the City) and rights-of-way and easements.

2. However, based on the preliminary information provided to the IID, the district can accommodate the power requirements of the project by adding a new distribution feeder breaker at the existing bank #1 of the Avenue 52 Substation. In addition, a new feeder/backbone line extension (conduit, cable) will be required from Avenue 52 breaker to the project including a circuit reconfiguration. The district's ability to provide service from existing infrastructure is based on currently available capacity, which may be impacted by future development in the area. It is important to note that a detailed and final study will be developed once a customer project application and loading calculations are received. This detailed information will allow IID to perform an accurate assessment and provide a full report of any potential impacts and mitigation measures. The conditions of service could change as a result of the additional studies.
3. Underground infrastructure that includes trenching, conduits, pull boxes, switch boxes, transformers, commercial meter panels, residential meter concentrations and pads should be installed following IID approved plans. Physical field installation of underground infrastructure should be verified and approved by an IID inspector prior to cable installation as per IID Developer's Guide (available at the district website <https://www.iid.com/home/showdocument?id=14229>).
4. IID Regulations governing line extensions can be found at:
No. 2 (<http://www.iid.com/home/showdocument?id=2540>),
No. 13 (<http://www.iid.com/home/showdocument?id=2553>),
No. 15 (<http://www.iid.com/home/showdocument?id=2555>),
No. 20 (<http://www.iid.com/home/showdocument?id=2560>) and
No. 23 (<https://www.iid.com/home/showdocument?id=17897>).
5. For additional information regarding electrical service for the project, the applicant should be advised to contact the IID Energy - La Quinta Division Customer Operations, 81-600 Avenue 58 La Quinta, CA 92253, at (760) 398-5841 and speak with the project development planner assigned to the area.
6. It is important to note that IID's policy is to extend its electrical facilities only to those developments that have obtained the approval of a city or county planning commission and such other governmental authority or decision-making body having jurisdiction over said developments.
7. The applicant will be required to provide rights-of-way and easements for any power line extensions and overhead or underground infrastructure needed to serve the project.
8. Any construction or operation on IID property or within its existing and proposed right of way or easements including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer,

storm water, or any other above ground or underground utilities; will require an encroachment permit, or encroachment agreement (depending on the circumstances). A copy of the IID encroachment permit application and instructions for its completion are available at <https://www.iid.com/about-iid/departments-directory/real-estate>. The IID Real Estate Section should be contacted at (760) 339-9239 for additional information regarding encroachment permits or agreements.

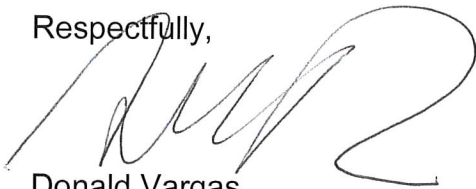
9. Relocation of existing IID facilities to accommodate the project and/or to accommodate street widening improvements imposed by the City will be deemed project-driven and all costs, as well as securing of rights of way and easements for relocated facilities, shall be borne by the applicant.
10. Public utility easements over all private public roads and additional ten (10) feet in width on both side of the private and public roads shall be dedicated to IID for the construction, operation, and maintenance of its electrical infrastructure.
11. Any new, relocated, modified or reconstructed IID facilities required for and by the project (which can include but is not limited to electrical utility substations, electrical transmission and distribution lines, etc.) need to be included as part of the project's CEQA and/or NEPA documentation, environmental impact analysis and mitigation. Failure to do so will result in postponement of any construction and/or modification of IID facilities until such time as the environmental documentation is amended and environmental impacts are fully mitigated. **Any mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.**
12. Dividing a project into two or more pieces and evaluating each piece in a separate environmental document (Piecemealing or Segmenting), rather than evaluating the whole of the project in one environmental document, is explicitly forbidden by CEQA, because dividing a project into a number of pieces would allow a Lead Agency to minimize the apparent environmental impacts of a project by evaluating individual pieces separately, each of which may have a less-than-significant impact on the environment, but which together may result in a significant impact. Segmenting a project may also hinder developing comprehensive mitigation strategies. In general, if an activity or facility is necessary for the operation of a project, or necessary to achieve the project objectives, or a reasonably foreseeable consequence of approving the project, then it should be considered an integral project component that should be analyzed within the environmental analysis. The project description should include all project components, including those that will have to be approved by responsible agencies. The State CEQA Guidelines define a project under CEQA as "the whole of the action" that may result either directly or indirectly in physical changes to the environment. This broad definition is intended to provide the maximum protection of the environment. CEQA case law has

established general principles on project segmentation for different project types. For a project requiring construction of offsite infrastructure, the offsite infrastructure must be included in the project description. *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App. 4th 713.

13. Applicant should be advised that landscaping can be dangerous if items are planted too close to IID's electrical equipment. In the event of an outage, or equipment failure, it is vital that IID personnel have immediate and safe access to its equipment to make the needed repairs. For public safety, and that of the electrical workers, it is important to adhere to standards that limit landscaping around electrical facilities. IID landscaping guidelines are available at <https://www.iid.com/energy/vegetation-management>.

Should you have any questions, please do not hesitate to contact me at (760) 482-3609 or at dvargas@iid.com. Thank you for the opportunity to comment on this matter.

Respectfully,



Donald Vargas
Compliance Administrator II

Enrique B. Martinez – General Manager
Mike Pacheco – Manager, Water Dept.
Marilyn Del Bosque Gilbert – Manager, Energy Dept.
Constance Bergmark – Mgr. of Planning & Eng./Chief Elect. Engineer, Energy Dept.
Daryl Buckley – Mgr. of Distribution Svcs. & Maint. Oprtns., Energy Dept.
Enrique De Leon – Asst. Mgr., Energy Dept., Distr., Planning, Eng. & Customer Service
Jamie Asbury – Assoc. General Counsel
Vance Taylor – Asst. General Counsel
Michael P. Kemp – Superintendent, Regulatory & Environmental Compliance
Laura Cervantes – Supervisor, Real Estate



STAFF REPORT
10/20/2021

TO: Planning Commission Chair and Commissioners

FROM: Gabriel Perez, Development Services Director

SUBJECT: Review of Ordinance No. 1188 amending the Coachella Municipal Code regarding Interim Outdoor Cannabis Cultivation. City-Initiated.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission review and adopt Resolution No. PC2021-24 recommending that the City Council approve Ordinance No. 1188 to amend the Interim Outdoor Cannabis Cultivation regulations of the Coachella Municipal Code.

BACKGROUND:

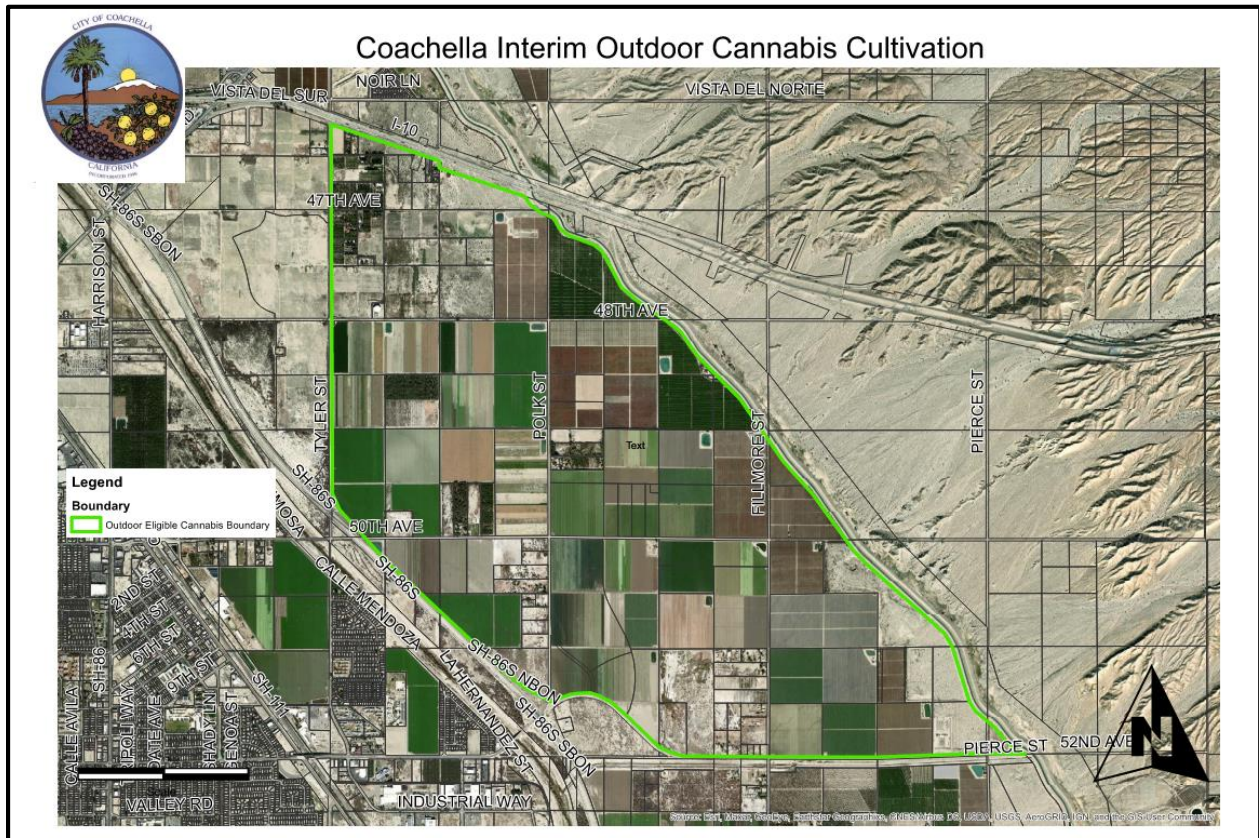
On July 14, 2021 the City Council introduced for first reading, Ordinance No. 1171, amending the City's Municipal Code in order to regulate "interim outdoor cannabis cultivation" uses in the City's agricultural areas located in the geographic area bounded by Vista del Sur on the north, Tyler Street and 86-S Expressway on the west, Avenue 52 on the south, and the All-American Canal on the east. At the meeting, the Council removed the proposed distance restrictions of five hundred (500) feet from another interim outdoor commercial cannabis cultivation use and six hundred (600) feet from any residentially-zoned lot. A Conditional Use Permit (CUP) with a maximum term of 4 years is required in order to establish one of these new cannabis businesses. Ordinance No. 1171 was adopted by the City Council on second reading on August 25, 2021 and was effective September 24, 2021 and allows for interim cannabis cultivation subject to the following regulations:

- **Permitting:** A CUP or development agreement is required
- **Interim Use:** Allows the City to include a condition of approval that limits outdoor cultivation activities to a specified duration not to exceed the sooner of forty eight (48) months, or the first phase of construction establishing a new residential or commercial use.
- **Location and Zoning:** Requires an interim outdoor cultivation use to located within the agricultural reserve (A-R) zone, agricultural transition (A-T) zone, residential single-family (R-S) zone, multiple-family residential (R-M) zone, and general commercial (C-G) zone and is within the geographic area bounded by Avenue 48 on the north, the All-American Canal on the east, Avenue 52 on the south, and the 86 Expressway and Tyler Street on the west (See Figure 1).

- **Development Standards:** Requires the an interim outdoor cannabis cultivation site comply with:
 - A site size of a minimum 1 acre.
 - A maximum canopy size of 2 acres or the maximum size authorized by the State license for that business.
 - 20 foot setback on all sides with an opaque fencing material to screen the outdoor grow area from view to public streets
- **Distance Restrictions:** Requires a minimum of 1,000 foot distance from a public or private school (K-12), day care center or youth center.
- **Water Service:** Interim outdoor cannabis cultivation may utilize a private well as a water source as an alternative to municipal water.

Since the effective date of the ordinance, CUP 344 was approved on October 6, 2021 by the Planning Commission to allow 1.11 acres of interim outdoor cannabis cultivation on a 5 acre parcel at the Southeast corner of Tyler Street and Vista del Sur to be operated by Nicolas Meza.

Figure 1: Permitted Area for Interim Outdoor Cannabis Cultivation



DISCUSSION/ANALYSIS:

Since the adoption of Ordinance No. 1171, staff received numerous public inquiries with the interest to pursue interim outdoor cannabis cultivation of more than 2 acres in canopy size on a site. The existing interim outdoor cannabis cultivation regulations restricts eligible sites to a maximum of 2 acres in canopy size per CUP. Applicants interested in outdoor cannabis cultivation more than 2 acres of canopy size on a site would be required to obtain multiple CUPs. Staff recommends that the current regulations be amended to allow for interim outdoor cannabis cultivation sites that exceed 2 acres of canopy size to be considered under a single CUP. Below is a comparison of the existing regulations in Section 17.85.050 (Property Development Standards for Outdoor Commercial Cultivation) to modified regulations recommended by staff:

Approved Property Development Standards (Section 17.85.050 Coachella Municipal Code)

2. Property development standards. All interim outdoor commercial cannabis cultivation sites:
 - (a) shall be located on a site having a minimum of one (1) acre in size.
 - b) shall have a maximum canopy size equal to the lesser of two (2) acres or the maximum size authorized by the State license for that business.
 - (c) shall provide a minimum twenty-foot (20 ft.) setback on all sides with an opaque fencing material, subject to review and approval by the Planning Director, to screen the outdoor grow areas from view to public streets.

Proposed Modifications to the Development Standards (Section 17.85.050 Coachella Municipal Code). Added text is in bold and deleted text is in strikethrough.

2. Property development standards. All interim outdoor commercial cannabis cultivation sites:
 - (a) shall be located on a site having a minimum of one (1) acre in size.
 - b) ~~shall have a~~ **The** maximum canopy size ~~equal to the lesser of two (2) acres or~~ **shall be** the maximum size authorized by the State license for that business.
 - (c) shall provide a minimum twenty-foot (20 ft.) setback on all sides with an opaque fencing material, subject to review and approval by the Planning Director, to screen the outdoor grow areas from view to public streets.

The proposed code amendments would not create any new impacts that would need to be evaluated as the existing regulations allow applicants to apply for multiple CUPs to exceed the minimum canopy size of 2 acres per site. The proposed amendments would streamline the process and costs for applicants to pursue interim outdoor cannabis cultivation of more than 2 acres of canopy on an eligible site and would reduce the staff time and resources to process multiple CUPs.

ALTERNATIVES:

- 1) Adopt Resolution No. PC2021-24 recommending approval of Ordinance No. 1188 as presented.
- 2) Adopt Resolution No. PC 2021-24 recommending approval of Ordinance No. 1188 with amendments.
- 3) Recommend denial of Ordinance No. 1188.
- 4) Continue this item and provide staff with direction.

RECOMMENDED ALTERNATIVE(S):

Staff recommends Alternative #1 or Alternative #2 above.

Attachments:

1. Resolution No. PC2021-24
Exhibit A - Draft Ordinance No. 1188
2. Ordinance 1171 – Existing Interim Outdoor Cannabis Cultivation regulations (For Reference Only)

RESOLUTION NO. PC2021-24

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COACHELLA, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL AMENDMENTS TO REGULATIONS FOR INTERIM OUTDOOR CANNABIS CULTIVATION. CITY-INITIATED.

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 business license 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 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”); and,

WHEREAS, MAUCRSA allows local jurisdictions to allow or prohibit the various commercial cannabis activities which are allowed by the State, including outdoor cannabis cultivation; and,

WHEREAS, on June 17, 2021 the Planning Commission recommended that the City Council adopt Ordinance 1171 to establish interim outdoor cannabis cultivation by amending Title 17 (Zoning), Chapters 17.10, 17.12, 17.14, and 17.85 to (i) allow outdoor commercial cultivation in certain City zones and subject to certain property development standards, and (ii) comply with current City policies and State law; and,

WHEREAS, on August 25, 2021 the City Council adopted Ordinance 1171 establishing regulations for interim outdoor cannabis cultivation; and,

WHEREAS, the proposed Ordinance would also amend Title 17 (Zoning), Chapters 17.85 to (i) allow outdoor commercial cultivation in certain City zones and subject to certain property development standards, and (ii) 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 October 20, 2021 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. Incorporation of Recitals. The Planning Commission of the City of Coachella, California, hereby finds that the foregoing recitals are true and correct and are incorporated herein as substantive findings of this Resolution.

SECTION 2. 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. 1171 entitled: “An Ordinance of the City Council of the City of Coachella, California, Amending Various Provisions of the Coachella Municipal Code Regarding Interim Outdoor Commercial Cannabis Cultivation” which is attached hereto as Exhibit “A” and incorporated herein by reference.

SECTION 3. Findings. The Planning Commission finds that the amendments to the Coachella Municipal Code 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 would not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that they will regulate interim outdoor commercial cannabis cultivation 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 are internally consistent with other applicable provisions of this Zoning Code, in that interim outdoor commercial cannabis cultivation uses would be

subject to specified zoning districts and to findings necessary to grant a conditional use permit.

SECTION 4. 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 5. 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 20th day of October, 2021.

Stephanie Virgen,
Planning Commission Chair

ATTEST:

Gabriel Perez, Planning Commission Secretary

APPROVED AS TO FORM:

Carlos Campos, City Attorney

I, Gabriel Perez, 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 20th day of October, 2021, and was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gabriel Perez
Planning Commission Secretary

ATTACHMENT "A"

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, AMENDING PROVISIONS OF THE COACHELLA MUNICIPAL CODE REGARDING INTERIM OUTDOOR COMMERCIAL CANNABIS CULTIVATION.

ORDINANCE NO. 1188

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, AMENDING PROVISIONS OF THE COACHELLA MUNICIPAL CODE REGARDING INTERIM OUTDOOR COMMERCIAL CANNABIS CULTIVATION IN THE CITY'S AGRICULTURAL SECTOR. CITY-INITIATED.

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 business license 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 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"); and,

WHEREAS, MAUCRSA allows local jurisdictions to allow or prohibit the various commercial cannabis activities which are allowed by the State, including outdoor cannabis cultivation; and,

WHEREAS, on June 17, 2021 the Planning Commission recommended that the City Council adopt Ordinance 1171 to establish interim outdoor cannabis cultivation by amending Title 17 (Zoning), Chapters 17.10, 17.12, 17.14, and 17.85 to (i) allow outdoor commercial cultivation in certain City zones and subject to certain property development standards, and (ii) comply with current City policies and State law; and,

WHEREAS, on August 25, 2021 the City Council adopted Ordinance 1171 establishing regulations for interim outdoor cannabis cultivation; and,

WHEREAS, the proposed Ordinance would also amend Title 17 (Zoning), Chapters 17.85 to (i) allow outdoor commercial cultivation in certain City zones and subject to certain property development standards, and (ii) 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 October 20, 2021 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.

WHEREAS, the City Council conducted a properly noticed public hearing on _____, 2021 at which members of the public were afforded an opportunity to comment on this Ordinance, the recommendations of staff, and other public testimony.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COACHELLA DOES ORDAIN AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The City Council of the City of Coachella, California, hereby finds that the foregoing recitals are true and correct and are incorporated herein as substantive findings of this Ordinance.

SECTION 2. Amendment to the Coachella Municipal Code. Section 17.85.050 *Commercial cannabis activity—Permitted locations and standards* of Chapter 17.85 *Commercial Cannabis Activity* is hereby amended to include the underlined text as follows and delete text in strike-out:

17.85.050 - Commercial cannabis activity—Permitted locations and standards.

A. Indoor commercial cultivation, manufacturing, testing laboratory, and distribution activities.

1. Location. Permitted uses be located in any wrecking yard zone (M-W) or manufacturing service - industrial park overlay zone (IP) in the city, upon issuance of a CUP and a regulatory permit.

2. Property development standards.

(a) In M-W zone – Permitted uses should be restricted to a site having a minimum of five (5) acres in size, with a minimum paved street frontage of two hundred fifty (250) feet. Permitted uses may not be established in the M-W zone on a multi-tenant industrial park or business park site existing on the effective date of this ordinance. A CUP to develop a new stand-alone commercial cannabis activity facility or a multi-tenant facility within a minimum site area of five acres may be pursued.

(b) In MS-IP Overlay zone – Permitted uses should be restricted to sites having a minimum project area of ten (10) acres and a minimum lot size or grouping of lots of at least five (5) acres.

3. Indoor only. All uses shall be conducted only in the interior of enclosed structures, facilities, and buildings. All indoor cultivation operations, including all cannabis plants, at any stage of growth, shall not be visible from the exterior of any structure, facility or building containing cultivation. All indoor cultivation, manufacturing, testing and processing must take place indoors, within a permanent structure that is enclosed on all sides. Outdoor manufacturing, testing, and processing are prohibited. Portable greenhouses and/or non-permanent enclosures shall not be used for cultivation unless they are placed inside of a permanent structure that is enclosed on all sides.

4. Odor control. Uses shall not result in the creation of any odors detectable from anywhere off the property boundaries. The use of carbon filtration systems and other mitigation measures shall be used on all commercial cannabis activities that cause such odors.

B. Interim outdoor commercial cannabis cultivation.

1. Location. Interim outdoor commercial cannabis cultivation be located in any agricultural reserve (A-R) zone, agricultural transition (A-T) zone, residential single-family (R-S) zone, multiple-family residential (R-M) zone, and general commercial (C-G) zone that is located within the geographic area bounded by Vista Del Sur on the north, the All-American Canal on the east, Avenue 52 on the south, and the 86 Expressway on the west, upon issuance of a CUP and a regulatory permit.

2. Property development standards. All interim outdoor commercial cannabis cultivation sites:

(a) shall be located on a site having a minimum of one (1) acre in size.

b) ~~shall have a~~ The maximum canopy size ~~equal to the lesser of two (2) acres or~~ shall be the maximum size authorized by the State license for that business.

(c) shall provide a minimum twenty-foot (20 ft.) setback on all sides with an opaque fencing material, subject to review and approval by the Planning Director, to screen the outdoor grow areas from view to public streets.

3. Distance Restrictions. No interim outdoor commercial cannabis cultivation shall be located within:

(a) five hundred (500) feet of another interim outdoor commercial cannabis cultivation use.

(b) one thousand (1,000) 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 the property line containing the interim outdoor commercial cannabis cultivation use to any lot line of the other use. "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. "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.

C. Indoor commercial cannabis activity must be served by municipal water and sewer services. Interim outdoor cannabis cultivation uses need only be served by a private water well or municipal water.

D. Commercial cannabis activity shall be located a minimum distance of six hundred (600) feet away from any residentially-zoned lot. The distance shall be measured at the nearest point between property lines containing the commercial cannabis use and any lot line of the residential use.

E. Testing laboratories may be located in the general commercial (C-G) zone in addition to the M-W zone and IP overlay zone with a CUP, but are not required to meet the two hundred fifty-foot paved street frontage requirement in subsections (A)(2)(a) and (A)(2)(b) of this section.”

SECTION 12. CEQA. The City Council finds that this Ordinance 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 reasonable 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 13. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 14. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

SECTION 15. Certification. The City Clerk shall certify the passage of this Ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a local newspaper of general circulation and which is hereby designated for that purpose.

ORDINANCE PASSED AND APPROVED at a regular meeting of the City Council of the City of Coachella this ___ day of _____, 2021.

Steven 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 was adopted by the City Council at a regular meeting of the City Council held on the ___ day of _____ 2021 and was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Angela M. Zepeda, City Clerk

ORDINANCE NO. 1171**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, AMENDING VARIOUS PROVISIONS OF THE COACHELLA MUNICIPAL CODE REGARDING INTERIM OUTDOOR COMMERCIAL CANNABIS CULTIVATION IN THE CITY'S AGRICULTURAL SECTOR. CITY-INITIATED.**

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 business license 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 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"); and,

WHEREAS, MAUCRSA allows local jurisdictions to allow or prohibit the various commercial cannabis activities which are allowed by the State, including outdoor cannabis cultivation; and,

WHEREAS, the proposed Ordinance would amend Title 5 (Business Licenses and Regulations), Chapter 5.68 to (i) allow outdoor commercial cultivation; (ii) provide additional application and operational requirements for outdoor commercial cultivation; and (iii) comply with current City policies and State law; and,

WHEREAS, the proposed Ordinance would also amend Title 17 (Zoning), Chapters 17.10, 17.12, 17.14, and 17.85 to (i) allow outdoor commercial cultivation in certain City zones and subject to certain property development standards, and (ii) 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, on February 26, 2020 the City Council of the City of Coachella (“City Council”) conducted a study session which included a discussion item on the possibility of allowing outdoor cannabis cultivation uses in the City’s remote agricultural areas bounded by Vista del Sur on the north, Tyler Street on the west, the All-American Canal on the east, and Avenue 52 on the south; and,

WHEREAS, at the February 26, 2020 the City Council provided staff direction to work on a draft ordinance that would allow for “interim agricultural uses” for outdoor cannabis cultivation on properties that are: 1) remotely located and removed from sensitive odor receptors; 2) have land use entitlements for future development but wish to include an interim agricultural use to cultivate cannabis for three to five years prior to construction of the first phase of urban development; and,

WHEREAS, the Planning Commission of the City of Coachella (“Planning Commission”) conducted a properly noticed public hearing on June 16, 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 with modifications; and,

WHEREAS, the City Council conducted a properly noticed public hearing on July 14, 2021 at which members of the public were afforded an opportunity to comment on this Ordinance, the recommendations of staff, and other public testimony.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COACHELLA DOES ORDAIN AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The City Council of the City of Coachella, California, hereby finds that the foregoing recitals are true and correct and are incorporated herein as substantive findings of this Ordinance.

SECTION 2. Amendment to Coachella Municipal Code. Section 5.68.030 *Regulatory permit required* of Chapter 5.68 *Commercial Cannabis Activity Regulatory Permit* of the Coachella Municipal Code is hereby amended to add underlined text as follows:

“5.68.030 - Regulatory permit required.

Commercial cannabis activity permitted under this chapter includes indoor and interim outdoor cultivation, manufacture (including shared-use facilities), distribution, testing, and non-retail microbusinesses (including possession, processing, storing, and labeling incidental to such activity). Prior to initiating operations and as a continuing requisite to operating a commercial cannabis activity, the legal representative of the persons wishing to operate and/or lease out a facility for commercial cannabis activity shall obtain both a conditional use permit and a regulatory permit from the city manager and shall pay an application fee as established by resolution adopted by the city council as amended from time to time. Regulatory permit requirements for retail cannabis businesses can be found in Chapter 5.69.”

SECTION 3. Amendment to Municipal Code. Section 5.68.040 *Regulatory permit application* of Chapter 5.68 *Commercial Cannabis Activity Regulatory Permit* is hereby amended to include underlined text and delete stricken text as follows:

“5.68.040 - Regulatory permit application.

...

M. A complete and detailed diagram of the proposed premises showing the boundaries of the property and the proposed premises to be permitted, showing all boundaries, dimensions, entrances and exits, interior partitions, walls, rooms, windows, doorways, and common or shared entryways, storage areas and exterior lighting. The diagram must show the areas in which all commercial cannabis activity will take place, including but not limited to, limited-access areas. All construction, including but not limited to, buildings, fences, security systems, light blocking apparatuses, signs and outdoor lighting fixtures, shall be designed to blend in with the character of the surrounding area.

N. For cultivation applicants, a detailed water management plan including the proposed water supply, proposed conservation measures, and any water offset requirements; information regarding stormwater control and wastewater discharge; a list of all pesticides, fertilizers, and any other hazardous materials that are expected to be used in the cultivation process; a storage and hazard response plan for all pesticides, fertilizers, and any other hazardous materials kept on the cultivator’s site; all power sources proposed to be used.

~~NO.~~ A detailed security plan outlining the measures that will be taken to ensure the safety of persons and property on the premises. As part of the security plan, a lighting plan is required that shows existing and proposed exterior and interior lighting that will provide adequate security lighting for the commercial cannabis activity and premises. The security plan must be prepared by a qualified professional and include provisions in compliance with the following:

1. Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least two hundred forty (240) concurrent hours of digitally recorded documentation in a format approved by the city manager. The cameras shall be in use twenty-four (24) hours per day, seven days per week. The areas to be covered by the security cameras shall include, but are not limited to, the public areas, storage areas, employee areas, all doors and windows, and any other areas as determined to be necessary by the city manager.

2. The premises shall be alarmed with an audible interior and exterior alarm system, unless waived for extenuating circumstances by the city manager that is operated and monitored by a recognized security company, deemed acceptable by the city manager. Any change in the security company shall be subject to the approval of the city manager. All current contact information regarding the security company shall be provided to the city manager.

3. Entrance to the cultivation, manufacturing, and testing areas and any storage areas shall be locked at all times, and under the control of cannabis facility staff.

4. All cannabis shall be securely stored, and a reliable, commercial alarm system shall be installed and maintained where the cannabis is secured.

5. A licensed security guard, licensed by the California Department of Consumer Affairs, shall be present at the premises during all hours of operation. If the security guard is to be armed, then the security guard shall possess at all times a valid security guard card and firearms permit issued by the California Department of Consumer Affairs.

6. A heavy-gauge chain-link (or other material as approved by the ~~city manager~~ planning commission) fence a minimum of eight-feet in height (or as otherwise approved by the city manager) shall be constructed around the perimeter of the premises to prevent public access and obscure the cannabis cultivation facility from public view. Screening can include landscaping or vinyl slats, as permitted by law enforcement.

Ø P. An odor control plan that describes the air treatment system or other methods that will be implemented to prevent odors generated by the commercial cannabis activity from being detected outside the building(s) on the premises. This section is not intended to prohibit the use of Polyethylene Plastic Film, Polycarbonate Sheeting, and Shade Cloth Fabrics for use in temporary greenhouses and temporary hoop houses as part of an approved “interim outdoor cannabis cultivation uses” allowed under Title 17.

P Q. A comprehensive business operations plan that includes the following:

1. Business plan. A plan describing how the commercial cannabis activity business will operate in accordance with this code, state law, and other applicable regulations. The business plan must include plans for handling cash and transporting cannabis and cannabis products to and from the premises, if applicable.

2. Community relations plan. A plan describing who is designated as being responsible for outreach and communication with the surrounding community, including the neighborhood and businesses, and how the designee can be contacted.

3. Neighborhood responsibility plan. A plan addressing any adverse impacts of the proposed commercial cannabis activity on the surrounding area.

4. Insurance. The applicant's certificate of commercial general liability insurance and endorsements and certificates of all other insurance related to the operation of the commercial cannabis activity.

5. Budget. A copy of the applicant's most recent annual budget for operations.

Ø R. The name and address of the owner and lessor of the real property upon which the commercial cannabis activity is to be operated. In the event the applicant is not the legal owner of the property, the application must be accompanied with a notarized acknowledgement from the owner of the property that a commercial cannabis activity will be operated on his or her property.

R S. Authorization for the city manager to seek verification of the information contained within the application.

S T. A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information contained in the application is true and correct.

T U. A full and complete copy of the applicant's most current application submitted to and approved by the applicable state licensing authority.

U V. Any such additional and further information as is deemed necessary by the city manager to administer this chapter.”

SECTION 4. Amendment to Coachella Municipal Code. Section 5.68.130 *Operating standards* of Chapter 5.68 *Commercial Cannabis Activity Regulatory Permit* of the Coachella Municipal Code is hereby amended to add underlined text and delete stricken text as follows:

“5.68.130 - Operating standards.

A. ~~Indoor cultivation—only.~~ An indoor cultivation permittee shall only cultivate cannabis in a fully enclosed and secure building. An indoor cultivation permittee shall not allow cannabis or cannabis products on the premises to be visible from the public right of way, the unsecured areas surrounding the buildings on the premises, or the premises’ main entrance and lobby.

B. Interim Outdoor Cultivation. Cannabis plants shall not be easily visible from offsite. All interim outdoor commercial cultivation sites should have a minimum twenty-foot (20 ft.) setback with an opaque fencing material to screen the outdoor cannabis grow areas from vview to the public streets. All interim outdoor commercial cultivation activities shall occur within a secure fence at least six (6) feet in height that fully encloses the cultivation area(s) and prevents access to the cultivation area(s). The fence must include a lockable gate(s) that is locked at all times, except for during times of active ingress and egress. Outdoor lighting shall be used for the purpose of illumination only. Outdoor lighting shall not be located within the canopy area, used for photosynthesis, mixed-light processes, other purposes intended to manipulate cannabis plant growth. Temporary lighting, whether powered by a portable generator or permitted electrical service, is prohibited.

B C. Odor control. A permittee shall comply with the odor control plan that is submitted during the application process and approved by the city manager. Commercial cannabis activity premises shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the building(s) that is distinctive to its operation is not detected outside the premises, anywhere on adjacent property or public rights-of-way, on or about any exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for common use by tenants or the visiting public, or within any other unit located within the same building as the commercial cannabis activity. As such, applicants must install and maintain the following equipment or any other equipment which the city manager or designee determines has the same or better effectiveness:

1. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; or

2. An air system that creates negative air pressure between the cannabis facility's interior and exterior so that the odors generated inside the cannabis facility are not detectable outside the cannabis facility.

3. Should compliance with the odor control plan fail to properly control odor, the city manager may impose additional or modified plan restrictions.

C.D. 'Track and trace'. Commercial cannabis activity businesses shall have an electronic 'track and trace' system that produces historical transactional data for review by the city manager for auditing purposes.

D.E. Records. A commercial cannabis activity business shall maintain the following records in printed format for at least three years on the premises and shall produce them to the city within twenty-four (24) hours after receipt of the city's request:

1. The name, address, and telephone numbers of the owner and landlord of the property.

2. The name, date of birth, address, and telephone number of each manager and staff of the commercial cannabis activity business; the date each was hired; and the nature of each manager's and staff's participation in the business.

3. A written accounting of all income and expenditures of the commercial cannabis activity business, including, but not limited to, cash and in-kind transactions.

4. A copy of the commercial cannabis activity business' commercial general liability insurance policy and all other insurance policies related to the operation of the business.

5. A copy of the commercial cannabis activity business' most recent year's financial statement and tax return.

6. An inventory record documenting the dates and amounts of cannabis received at the premises, the daily amounts of cannabis on the premises, and the daily amounts of cannabis transported from the premises.

A commercial cannabis activity business shall report any loss, damage, or destruction of these records to the city manager within twenty-four (24) hours of the loss, damage, or destruction.

E.F. Security. A permittee shall comply with the security plan that is submitted during the application process as approved by the city manager. A permittee shall report to the Coachella Police Department all criminal activity occurring on the premises. Should compliance with the

security plan fail to properly secure the commercial cannabis activity premises, the city manager may impose additional or modified plan restrictions.

F G. Retail sales prohibited. No person shall conduct any retail sales of any good or services on or from a permitted commercial cannabis activity premises that is regulated under this chapter.

G H. Cannabis consumption prohibited. No person shall smoke, ingest, or otherwise consume cannabis in any form on, or within twenty (20) feet of, a commercial cannabis activity premises regulated under this chapter.

H I. Alcohol prohibited. No person shall possess, consume, or store any alcoholic beverage on any commercial cannabis activity premises.

I J. Juveniles prohibited. No one under the age of eighteen (18) shall be on the commercial cannabis activity premises or operate a commercial cannabis activity in any capacity, including, but not limited to, as a manager, staff, employee, contractor, or volunteer.”

SECTION 5. Amendment to Municipal Code. Section 17.10.020 *Permitted uses* of Chapter 17.10 *A-R Agricultural Reserve Zone* is hereby amended to include underlined text and delete stricken text as follows:

“17.10.020 - Permitted uses.

The following uses are permitted in the A-R zone subject to all provisions of this chapter:

...

C. Conditional Uses. The following may be permitted in the A-R zone, subject to obtaining a conditional use permit as specified in Section 17.74.010.

1. Public parks;
2. One temporary stand, of temporary construction, for the display and sale of agricultural products produced on the premises, and placed not less than twenty-five (25) feet from any street or highway upon which such property fronts. When granting approval for such a temporary stand, the planning commission shall set a maximum time limit not to exceed one year on each such stand. Said time limit may be renewed at the option of the commission;
3. Cemeteries, crematories, columbariums, and mausoleums;
4. Reserved;
5. Reserved;
6. Farms or establishments for the selective or experimental breeding of cattle or horses, or the raising and training of horses or show cattle;

7. Dairy farms;
8. Kennels;
9. Animal raising, commercial; small animals, such as poultry, birds, fish, fowl, rabbits, chinchilla, mice, frogs, earthworms, bees, and others of similar nature, form and size, including hatching and fattening, and involving eggs or similar products derived therefrom;
10. Reserved;
11. Fruit and vegetable packing houses; ~~and~~
12. Farm labor camps; and
13. Interim outdoor commercial cannabis cultivation, pursuant to Chapter 17.85.

SECTION 6. Amendment to Municipal Code. Section 17.12.020 *Permitted uses* of Chapter 17.12 *A-T Agricultural Transition Zone* is hereby amended to include underlined text and delete stricken text as follows:

“17.12.020 - Permitted uses.

The following uses are permitted in the A-T zone subject to all provisions of this chapter:

...

C. Conditional Uses. The following may be permitted in the A-T zone, subject to obtaining a conditional use permit as specified in Section 17.74.010.

1. Public and private parks; golf courses; swimming, polo and country clubs;
2. One temporary stand, of temporary construction, for the display and sale of agricultural products produced on the premises, and placed not less than twenty-five (25) feet from any street or highway upon which such property fronts. When granting approval for such a temporary stand, the planning commission shall set a maximum time limit not to exceed one year on each such stand. Said time limit may be renewed at the option of the commission;
3. Cemeteries, crematories, columbariums, and mausoleums;
4. Equestrian establishments, provided that in no case shall permanent maintenance or stabling of horses, storage of feed, riding arenas, or storage or maintenance of equipment be permitted within three hundred feet of the boundary of any R-S or RM;
5. Borrow pits, gravel pits, and other recovery of natural mineral resources;

6. Farms or establishments for the selective or experimental breeding of cattle or horses, or the raising and training of horses or show cattle;
7. Dairy farms;
8. Kennels;
9. Animal Raising, Commercial. Small animals, such as, poultry, birds, fish, fowl, rabbits, chinchilla, mice, frogs, earthworms, bees, and others of similar nature, form and size, including hatching and fattening, and involving eggs or similar products derived therefrom;
10. Campgrounds, private, containing picnic areas, overnight camping facilities and temporary parking for travel trailers and camper trucks;
11. Fruit and vegetable packing houses; ~~and~~
12. Farm labor camps; and,
13. Interim outdoor commercial cannabis cultivation, pursuant to Chapter 17.85.”

SECTION 7. Amendment to Municipal Code. Section 17.14.020 *Permitted uses* of Chapter 17.14 *R-E Residential Estate Zone* is hereby amended to include underlined text and delete stricken text as follows:

“17.14.020 - Permitted uses.

The following uses are permitted in the R-E zone subject to all provisions of this chapter.

...

C. Conditional Uses. The following uses may be permitted in the RE zone, subject to obtaining a conditional use permit as specified in Section 17.74.010.

1. Clubs and lodges, private, nonprofit when site fronting on an arterial street;
2. Public and private golf courses; ~~and~~
3. School, private, nonprofit; and,
4. Interim outdoor commercial cannabis cultivation, pursuant to Chapter 17.85.”

SECTION 8. Amendment to the Coachella Municipal Code. Section 17.85.030 *Commercial cannabis activity permitted* of Chapter 17.85 *Commercial Cannabis Activity* is hereby amended to include the underlined text and delete the stricken text as follows:

“17.85.030 - Commercial cannabis activity permitted.

Commercial cannabis activity permitted under this chapter includes indoor cultivation, interim outdoor cultivation, manufacture (including shared-use facilities), distribution, and testing, and non-retail microbusinesses (including possession, processing, storing, and labeling incidental to such activity). Prior to engaging in any such commercial cannabis activity in the city, one must obtain either a development agreement or conditional use permit (CUP), and a regulatory permit as required by this code, subject to the provisions of the CUA, MMP, MAUCRSA, and any other state laws pertaining to cannabis.”

SECTION 9. Amendment to the Coachella Municipal Code. Section 17.85.040 *Conditional use permit or development agreement required* of Chapter 17.85 *Commercial Cannabis Activity* is hereby amended to include the underlined text as follows:

“17.85.040 - Conditional use permit or development agreement required.

Prior to initiating operations and as a continuing requisite to operating a commercial cannabis activity, the applicant shall obtain a validly issued CUP as provided in Chapter 17.74 entitled “Conditional Uses” of this municipal code or enter into a fully executed development agreement agreed to by the city council. If any provision of this chapter conflicts with any provision of Chapter 17.74 of this code, the provision in this chapter shall control. An applicant must obtain a separate CUP for each commercial cannabis activity the applicant wishes to operate. Separate CUPs may be issued for indoor cannabis cultivation versus interim outdoor cannabis cultivation. Each CUP will include a condition of approval requiring that the permittee also obtain and maintain an indoor cultivation, interim outdoor cultivation, manufacture, distribution, non-retail microbusiness, or testing laboratory regulatory permit required by this code. Each CUP for interim outdoor cultivation may include a condition of approval that limits outdoor cultivation activities to a specified duration not to exceed the sooner of forty eight (48) months, or the first phase of construction establishing a new residential or commercial use. If the condition is accepted by the applicant, the City may thereafter record a covenant memorializing this restriction against the property, which shall include a reference to the approved CUP.”

SECTION 10. Amendment to the Coachella Municipal Code. Section 17.85.050 *Commercial cannabis activity—Permitted locations and standards* of Chapter 17.85 *Commercial Cannabis Activity* is hereby deleted in its entirety and amended to include the underlined text as follows:

17.85.050 - Commercial cannabis activity—Permitted locations and standards.

A. Indoor commercial cultivation, manufacturing, testing laboratory, and distribution activities.

1. Location. Permitted uses be located in any wrecking yard zone (M-W) or manufacturing service - industrial park overlay zone (IP) in the city, upon issuance of a CUP and a regulatory permit.

2. Property development standards.

(a) In M-W zone – Permitted uses should be restricted to a site having a minimum of five (5) acres in size, with a minimum paved street frontage of two hundred fifty (250) feet. Permitted uses may not be established in the M-W zone on a multi-tenant industrial park or business park site existing on the effective date of this ordinance. A CUP to develop a new stand-alone commercial cannabis activity facility or a multi-tenant facility within a minimum site area of five acres may be pursued.

(b) In MS-IP Overlay zone – Permitted uses should be restricted to sites having a minimum project area of ten (10) acres and a minimum lot size or grouping of lots of at least five (5) acres.

3. Indoor only. All uses shall be conducted only in the interior of enclosed structures, facilities, and buildings. All indoor cultivation operations, including all cannabis plants, at any stage of growth, shall not be visible from the exterior of any structure, facility or building containing cultivation. All indoor cultivation, manufacturing, testing and processing must take place indoors, within a permanent structure that is enclosed on all sides. Outdoor manufacturing, testing, and processing are prohibited. Portable greenhouses and/or non-permanent enclosures shall not be used for cultivation unless they are placed inside of a permanent structure that is enclosed on all sides.

4. Odor control. Uses shall not result in the creation of any odors detectable from anywhere off the property boundaries. The use of carbon filtration systems and other mitigation measures shall be used on all commercial cannabis activities that cause such odors.

B. Interim outdoor commercial cannabis cultivation.

1. Location. Interim outdoor commercial cannabis cultivation be located in any agricultural reserve (A-R) zone, agricultural transition (A-T) zone, residential single-family (R-S) zone, multiple-family residential (R-M) zone, and general commercial (C-G) zone that is located within the geographic area bounded by Vista Del Sur on the north, the All-American Canal on the east, Avenue 52 on the south, and the 86 Expressway on the west, upon issuance of a CUP and a regulatory permit.

2. Property development standards. All interim outdoor commercial cannabis cultivation sites:

(a) shall be located on a site having a minimum of one (1) acre in size.

b) shall have a maximum canopy size equal to the lesser of two (2) acres or the maximum size authorized by the State license for that business.

(c) shall provide a minimum twenty-foot (20 ft.) setback on all sides with an opaque fencing material, subject to review and approval by the Planning Director, to screen the outdoor grow areas from view to public streets.

3. Distance Restrictions. No interim outdoor commercial cannabis cultivation shall be located within:

(a) one thousand (1,000) 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 the property line containing the interim outdoor commercial cannabis cultivation use to any lot line of the other use. “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. “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.

C. Indoor commercial cannabis activity must be served by municipal water and sewer services. Interim outdoor cannabis cultivation uses need only be served by a private water well or municipal water.

D. Testing laboratories may be located in the general commercial (C-G) zone in addition to the M-W zone and IP overlay zone with a CUP, but are not required to meet the two hundred fifty-foot paved street frontage requirement in subsections (A)(2)(a) and (A)(2)(b) of this section.”

SECTION 11. Amendment to the Coachella Municipal Code. Section 17.85.090 *Commercial cannabis cultivation, manufacturing, testing, processing—Interior only* of Chapter 17.85 *Commercial Cannabis Activity* is hereby removed and reserved. The text from this Section has been added to Section 17.85.050. The Municipal Code text shall read as follows:

“17.85.090 – [RESERVED] ~~Commercial cannabis cultivation, manufacturing, testing, processing—Interior only.”~~

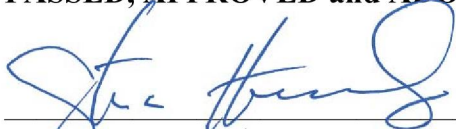
SECTION 12. CEQA. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity 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 13. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 14. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.


SECTION 15. Certification. The City Clerk shall certify the passage of this Ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make

PASSED, APPROVED and ADOPTED this 28th day of July 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)

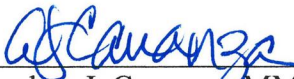
I HEREBY CERTIFY that the foregoing Amendment to Ordinance No. 1171 was duly and regularly introduced at a meeting of the City Council on the 14th day of July 2021, and that thereafter the said ordinance amendment was duly passed and adopted on the 25th day of August 2021.

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