

ORDINANCE NO. 1115

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA ADDING CHAPTER 17.47 TO TITLE 17 (ZONING) OF THE COACHELLA MUNICIPAL CODE IN ORDER TO ESTABLISH AND REGULATE THE RETAIL CANNABIS (RC) OVERLAY ZONE.

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

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

WHEREAS, in 2015, California enacted the Medical Cannabis Regulation and Safety Act (“MCRSA”); and,

WHEREAS, in 2016, California voters approved Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act (“AUMA”); and,

WHEREAS, Senate Bill 94, signed by the governor on June 27, 2017, repealed MCRSA and reconciled the standards for medical marijuana with the standards for adult-use cannabis activity under a single law, entitled Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”); and,

WHEREAS, the Coachella Municipal Code does not currently allow the operation of retail medical or non-medical cannabis businesses in any area of the City; and,

WHEREAS, the City Council desires to allow retail medical and non-medical cannabis businesses to operate in limited commercial and industrial areas of the City, subject to specific rules, regulations and conditions; and,

WHEREAS, therefore the City Council desires to establish a “Retail Cannabis (RC) Overlay Zone” which will allow retail medical and non-medical cannabis businesses to operate in limited commercial and industrial areas of the City by conditional use permit and subject to specific standards; and,

WHEREAS, the Planning Commission conducted a properly noticed public hearing on November 15, 2017 at which members of the public were afforded an opportunity to comment upon this Ordinance, the recommendations of staff and public testimony; and,

WHEREAS, after such hearing, the Planning Commission recommended by a 4/0 vote that the City Council approve this Ordinance, with revised language deleting the distance

requirements to alcohol sales establishments, modifying the allowable locations for the RC Overlay Zone in Sub-Zones #1, and #2, and,

WHEREAS, the City Council conducted a properly noticed public hearing on November 29, 2017 at which members of the public were afforded an opportunity to comment on this Ordinance, the recommendations of staff and public testimony; and,

WHEREAS, the City Council gave staff additional direction with regards to this Ordinance; and

WHEREAS, the City Council conducted an additional properly noticed public hearing on January 17, 2018, at which members of the public were afforded an opportunity to comment on this Ordinance, the recommendations of staff and public testimony.

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

SECTION 1. Incorporation of Recitals. The City Council finds and determines the foregoing recitals to be true and correct and hereby adopts and incorporates them into this Ordinance.

SECTION 2. Amendment to Coachella Municipal Code. Chapter 17.47 is hereby added to Title 17 of the Coachella Municipal Code and shall read as follows:

“Chapter 17.47 – RC RETAIL CANNABIS OVERLAY ZONE

17.47.010 - Intent and purpose.

This overlay zone is intended to provide for the well-planned and orderly development of retail cannabis businesses within the community and to eliminate or adequately mitigate any adverse impacts on the community related to such types of development. The RC (retail cannabis) overlay zone designation may be applied to certain property described herein that is zoned C-G (general commercial), R-M (residential multi-family), and M-S (manufacturing service). When the RC overlay zone designation is added to such property, the provisions of this chapter shall apply in addition to the regulations provided by the underlying C-G zone, R-M, M-S zones. Whenever there is a conflict or inconsistency between the provisions of this article and the underlying zone, the provisions of this chapter shall be controlling.

17.46.020 – Property Eligible for RC Retail Cannabis Overlay Zone Classification.

The RC Retail Cannabis Overlay Zone shall be divided into two sub-zones. This overlay classification shall be limited to those projects that:

- A. Sub-Zone #1:

1. Are located either along the west side of Grapefruit Boulevard (State Highway 111) between 2nd Street and 9th Street, on the east side of Grapefruit Boulevard between 4th Street and 9th Street, or on the east side of Vine Street between 4th Street and 6th Street; and

2. Have either a front or side lot line facing Grapefruit Boulevard, a front lot line facing 5th Street from Grapefruit Boulevard to Vine Avenue, a front lot line facing 6th Street from Grapefruit Boulevard to 200 feet south of Orchard Street, a front lot line facing 7th Street within 200 feet of Grapefruit Boulevard, a front lot line facing 8th Street within 200 feet of Grapefruit Boulevard; a front lot line on the north side of 9th Street within 200 feet of Grapefruit Boulevard; or a front lot line on the west side of Orchard between 6th Street and 200 feet past 5th Street, no front lot lines facing Vine between 4th Street and 6th Street are permitted, and

3. Are zoned C-G (general commercial), R-M (residential multi-family), or M-S (manufacturing-service).

B. Sub-Zone #2:

1. Are located along the south side of Avenue 48, between the east side of Van Buren Street and the Dillon Road Grade separation access road; and

2. Have either a front or side lot line fronting Avenue 48; and

3. Are zoned C-G (general commercial).

17.47.020 - Permitted uses.

Any uses permitted in the underlying zoning district of the property.

17.47.030 – Conditional Uses.

The following uses may be permitted in the RC overlay zone subject to obtaining the appropriate approval:

A. In Sub-Zone #1: The retail sale, exchange, transaction or delivery of cannabis, including retailers or microbusinesses, subject to a conditional use permit as specified in Section 17.74.010, as well as the regulatory requirements of Chapters 5.69 and 17.84 of this Code.

B. In Sub-Zone #2: The retail sale, exchange, transaction or delivery of cannabis, including retailers or microbusinesses, subject to obtaining a conditional use permit as specified in Section 17.74.01, and subject to a development agreement as specified in Chapter 17.100, as well as the regulatory requirements of Chapters 5.69 and 17.84 of this Code.

17.47.040 – Prohibited Uses.

Any uses not identified as “permitted” or “conditionally permitted” by this Ordinance or by the Chapter of this Code applicable to the site’s underlying zone are prohibited.

17.47.050 - Property development standards.

A. Project Area/Lot/Building Height Requirements. Except as specified in the applicable development agreement, CUP or regulatory permit, the project area, lot size, lot coverage and building height requirements of the underlying zone shall apply.

B. No Drive-Thru Retail Cannabis Facilities. No retail cannabis business within the RC Overlay Zone shall operate “drive-thru”, “drive up”, “window service” or similar facilities whereby a customer can order, purchase and receive retail cannabis without leaving his or her vehicle.

C. No Non-Storefront Retailers. No retail cannabis business within the RC Overlay Zone shall be operated as “non-storefront” or “delivery only”. Delivery may only be approved as ancillary to the operation of a permitted cannabis retail business which is physically located within the RC Overlay Zone and which primarily provides cannabis to customers on the premises.

D. Distance Restrictions. No retail cannabis business within the RC Overlay Zone shall be located within 250 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 any part of the building containing the retail cannabis business to any lot line of the other use. For purposes of this paragraph, the following definitions shall apply:

1. “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.

2. “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.

E. Location of Customer Entrance. No retail cannabis business shall have a customer entrance that is adjacent to or directly across the street from a residentially zoned lot.

F. On-Street/Off-Street Parking and Loading.

1. Off-Street Parking and Loading. Off-street parking and loading facilities for a retail cannabis business shall be provided in accordance with the provisions of Section 17.54.010-C(1) of this title.

2. On-Street Parking and Loading. On-street parking or loading shall be prohibited for a retail cannabis business.

17.47.060 - Architectural review.

All developments shall be subject to architectural review in accordance with Section 17.72.010 of this title, including planning commission review as described below. Any addition to or exterior alteration of a retail cannabis use in an existing development also shall be subject to such architectural review.

A. Design Criteria. Detailed architectural and/or artist renderings, or pictorial depictions, of the architectural designs and/or theming of the business shall be submitted for Planning Commission review. All retail cannabis businesses shall be designed to have a storefront with glass door and windows facing the street, providing visibility into the front lobby or showroom of the business. The applicant shall submit information regarding proposed interior and exterior wall and roof finishes, windows and awnings, lighting fixtures, flooring materials, and paint colors for the business for review by the Planning Commission.”

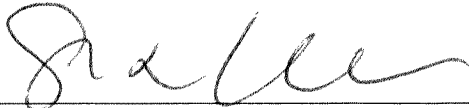
SECTION 3. Effective Date. This ordinance shall take effect thirty (30) days after its adoption.

SECTION 4. 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 each 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 5. 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.

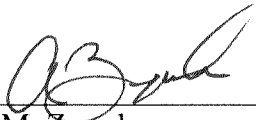
SECTION 6. CEQA. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity 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.

PASSED, APPROVED and ADOPTED this 14th day of February, 2018.



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 Ordinance No. 1115 was duly and regularly introduced at a meeting of the City Council on the 17th day of January, 2018, and that thereafter the said ordinance was duly passed and adopted at a regular meeting of the City Council on the 14th day of February, 2018.

AYES: Councilmember Bautista, Councilmember Brown, Mayor Pro Tem Sanchez, and Mayor Hernandez.

NOES: None.

ABSENT: None.

ABSTAIN: Councilmember Martinez.


Andrea J. Cartanza, MMC
Deputy City Clerk