

URGENCY ORDINANCE NO. 1229

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE, SECTION 65858 ENACTING FOR A PERIOD OF FORTY-FIVE (45) DAYS A MORATORIUM ON THE APPROVAL OF ANY LAND USE ENTITLEMENTS AND/OR AGREEMENTS TO ALLOW THE OPERATION OF DATA CENTERS IN THE CITY OF COACHELLA

THE CITY COUNCIL OF THE CITY OF COACHELLA DOES ORDAIN AS FOLLOWS:

SECTION 1. *Urgency Findings.* In accordance with California Government Code Section 65858 and in order to protect the public health, safety and welfare, the City Council of the City of Coachella adopts the following findings in support of this Urgency Ordinance and finding that there is a current and immediate threat to the public health, safety or welfare of the residents of the City of Coachella:

A. Authority and Purpose.

1. California Government Code Section 65858 authorizes a city council to adopt, as an urgency measure, an interim ordinance prohibiting land uses that may conflict with contemplated general plan, specific plan, zoning, or development standard amendments that the City is studying or intends to study within a reasonable time.

2. California Government Code Section 65858 further requires that the City Council find that there exists a current and immediate threat to the public health, safety, or welfare, and that the approval of additional use permits, building permits, subdivisions, variances, or other entitlements would result in that threat to public health, safety, or welfare.

3. The City of Coachella is currently studying and intends to study potential amendments to its General Plan, Zoning Ordinance, development standards, infrastructure policies, utility allocation procedures, environmental review thresholds, and performance standards relating to the establishment, expansion, and operation of data centers and high-intensity digital infrastructure uses to determine appropriate regulatory standards or, alternatively, their prohibition.

4. A “data center” as defined herein in Section 2 below, without appropriate study and standards, could impose substantial and potentially

irreversible impacts on local water supplies, electrical infrastructure, air quality, and community character.

5. The City Council finds that, absent immediate action, applications for new data centers or conversion of existing structures into data centers could be submitted, processed, and vested under existing regulations before the City completes the necessary study and adopts updated regulations specifically tailored to address the unique operational, environmental, infrastructure, and public safety impacts associated with such uses.

B. Emerging Nature of Data Center Development.

1. Advances in cloud computing, artificial intelligence, cryptocurrency processing, large-scale digital storage, and high-density computing have resulted in a substantial increase in proposals for large industrial-scale data centers throughout California and the western United States.

2. Data centers differ substantially from traditional office, industrial, warehouse, or research and development uses because they may operate continuously on a twenty-four-hour basis; consume extraordinarily high amounts of electrical power and water; require extensive cooling infrastructure; rely upon diesel backup generators and hazardous materials systems; and generate persistent noise, heat, vibration, and infrastructure demands that are not adequately addressed under the City's current zoning regulations.

3. The City's existing zoning code and development standards were adopted before the emergence of modern hyperscale and artificial intelligence-oriented data centers and therefore do not adequately regulate the intensity, utility demand, operational characteristics, environmental impacts, or cumulative impacts associated with such facilities.

4. The California Energy Commission has publicly identified data centers as a rapidly growing source of statewide electrical demand and has projected substantial increases in electricity consumption associated with future data center development.

C. Threats to Electrical Infrastructure and Grid Reliability.

1. The City Council finds that data centers may impose extraordinary and concentrated electrical loads on local transmission and distribution systems, potentially requiring substantial upgrades to substations, transformers, transmission infrastructure, and backup generation systems.

2. It is not known whether the City's existing electrical infrastructure is designed to accommodate multiple large-scale data center facilities or high-density computing campuses with continuous baseload demand requirements.

3. The City Council further finds that approval of data center projects before completion of the City's ongoing infrastructure and utility capacity studies may adversely affect grid reliability, increase the risk of service interruptions, strain emergency backup systems, and impair the ability of utility providers to serve existing residential, commercial, school, hospital, and public safety uses.

4. The City Council additionally finds that uncontrolled proliferation of data centers may contribute to increased utility costs borne by residents and existing businesses through infrastructure expansion, peak demand impacts, and utility cost shifting.

D. Water Supply and Drought Resiliency Concerns.

1. Many modern data centers rely upon substantial quantities of potable and recycled water for cooling and climate-control systems.

2. The City is located within a region subject to recurring drought conditions, groundwater management obligations, imported water supply constraints, climate change impacts, and increasing long-term uncertainty regarding water availability.

3. The City Council finds that the approval of data center facilities before completion of water supply and infrastructure analyses may threaten the City's ability to preserve adequate water supplies for residential neighborhoods, schools, parks, hospitals, fire suppression, and other essential community needs.

4. The City Council further finds that existing development standards do not presently include sufficient operational limitations, water efficiency standards, recycled water requirements, drought contingency provisions, or cumulative water demand thresholds specifically applicable to data centers.

E. Public Health and Environmental Impacts.

1. Data centers commonly utilize large-scale mechanical cooling equipment, industrial ventilation systems, emergency backup generators, battery storage systems, transformers, and fuel storage facilities that may create significant noise, vibration, air quality, heat island, and hazardous materials impacts affecting nearby residential and sensitive land uses.

2. The City Council finds that backup diesel generators associated with data centers may create localized emissions impacts during testing, maintenance, or emergency operation and may adversely affect nearby residential neighborhoods, schools, childcare centers, senior housing facilities, and medically vulnerable populations.

3. The City Council further finds that the City's current zoning regulations do not contain adequate buffering, setback, noise attenuation, generator operation, emissions mitigation, or environmental performance standards specifically tailored to data center operations.

4. The City Council additionally finds that data centers frequently generate comparatively low employment densities relative to the intensity of land consumption, infrastructure demand, and utility usage associated with such facilities, thereby raising substantial land use compatibility and public welfare concerns regarding the long-term allocation of scarce industrial land and utility resources.

F. Fire, Emergency Response, and Public Safety Concerns.

1. Data centers and associated energy infrastructure may involve substantial quantities of lithium-ion batteries, fuel storage systems, electrical equipment, cooling systems, and other facilities that pose unique fire suppression, hazardous materials, and emergency response challenges.

2. The City has identified the need to evaluate whether existing Fire Department staffing levels, training protocols, hazardous materials response capabilities, water pressure availability, and fire suppression infrastructure are adequate to safely serve large-scale data center facilities.

3. The City Council finds that approval of data center facilities before completion of such evaluations may create immediate and unacceptable risks to emergency response operations, firefighter safety, and neighboring properties.

G. Need for Immediate Interim Moratorium.

1. The City Council finds that there is a current and immediate threat to the public health, safety, and welfare arising from the potential establishment of data centers under the City's existing zoning and development regulations, which were not designed to address the unique and intensive operational characteristics of such uses.

2. The City Council further finds that the approval of additional land use entitlements, building permits, grading permits, use permits, variances, subdivisions, or any other applicable approvals for data center development during the period in which the City studies appropriate regulatory controls would result in and exacerbate the threats identified herein.

3. The City Council additionally finds that, without the immediate adoption of this interim urgency ordinance, developers could obtain vested rights or approvals under existing regulations before the City has an opportunity to complete the studies and adopt reasonable regulations necessary to protect the public health, safety, and welfare.

4. The City Council finds that a temporary moratorium is necessary to preserve the status quo while the City evaluates and considers appropriate amendments to its General Plan, Zoning Ordinance, development standards, utility allocation policies, environmental review procedures, and public safety regulations applicable to data centers.

5. The City Council finds that the adoption of this interim urgency ordinance is necessary for the immediate preservation of the public peace, health, safety, and welfare pursuant to California Government Code Section 65858 and the City's police powers under Article XI, section 7 of the California Constitution.

6. Based upon all evidence contained in the administrative record, the City Council hereby finds that this interim urgency ordinance is necessary to avoid current and immediate threats to the public health, safety, and welfare pending completion of the studies and regulatory actions described herein.

SECTION 2. Moratorium. The City of Coachella shall not issue or approve any General Plan Amendment, Specific Plan Amendment, zone change, building permit, occupancy permit, conditional use permit, variance, subdivision map or other land use entitlement, agreement or permit or regulatory license or permit required to comply with the provisions of the City of Coachella Municipal Code for the construction, operation or development of a "data center" by any private or public entity on any property within the City during the time that this Urgency Ordinance is in effect, and continuing for the time set forth in any action taken to extend this moratorium.

For purposes of this Urgency Ordinance, "data center" shall mean a structure or site used primarily for the storage, management, processing, and transmission of digital data and that houses computer or network equipment, systems, servers, appliances, and other associated components related to digital data storage, processing, and related operations. Data center uses include data storage facilities, small data storage

facilities, server farms, artificial intelligence training or processing, image processing, cloud computing, email servicing, and other similar uses and appurtenant facilities.

SECTION 3. Compliance with California Environmental Quality Act. The City Council finds that this Urgency 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 ; it prevents changes in the environment pending the completion of zoning code revisions and related impact studies.

SECTION 4. Effective Date. This Urgency Ordinance was adopted by the necessary four-fifths vote of the members of the City Council pursuant to California Government Code Section 65858, and shall take effect immediately upon its adoption.

SECTION 5. Written Report. At least 10 days before this Urgency Ordinance or any extension expires, the City Manager shall issue a written report describing the measures taken to alleviate the condition which led to the adoption of this Urgency Ordinance.

SECTION 6. Publishing. The City Clerk shall certify to the passage of this Urgency Ordinance and cause the same or a summary thereof to be published within fifteen (15) days after adoption in a newspaper of general circulation, printed and published in Coachella, California.

SECTION 7. Term. This Ordinance is an Urgency Ordinance, enacted pursuant to Government Code section 65858. The term of this Urgency Ordinance shall be for **45 days** from the date of adoption and shall expire and be of no further force or effect, unless and until extended in accordance with Government Code, Section 65858.

APPROVED and **ADOPTED** by the City Council and signed by the Mayor and attested by the City Clerk this 4th day of June, 2026.

Frank Figueroa, Mayor
City of Coachella

Attest:

Angela Zepeda, City Clerk

Approved as to form:

BEST, BEST & KRIEGER

City Attorney