

ORDINANCE NO. 1238

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, APPROVING DEVELOPMENT AGREEMENT DA 25-02 FOR ASSESSOR'S PARCEL NUMBERS 763-330-013, 763-330-018, AND 763-330-029

WHEREAS, the City Council of the City of Coachella did, on October 14, 2026 hold a duly noticed Public Hearing to consider a request by Empire Airport LLC for approval of Change of Zone, CZ 20-01, from MH to MS and CG; and conditional approval of Tentative Parcel Map 39721; CUP 324 to allow commercial cannabis uses; CUP 325 to allow drive through restaurant; CUP 326 to allow service station and mini-mart; AR 20-04 to approve site design, architecture and signage (billboard) and DA 25-02 to approve a Development Agreement, for 43± acres of land located at the northwest corner of Airport Boulevard and SR 86 (APNs 763-330-013, 763-330-018, and 763-330-029), and certification of the Coachella Airport Business Park Development Environmental Impact Report (SCH No. 2023040106), including Findings and a Statement of Overriding Considerations, in conformance with the California Environmental Quality Act 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, the Conditional Use Permits, Architectural Review and Tentative Tract Map are being adopted by separate Resolution and the Zone Change is being adopted by separate Ordinance in accordance with state and City law; and

WHEREAS, California Government Code Section 65864 *et seq.* (the "Development Agreement Law") authorizes cities to enter into binding development agreements with persons having a legal or equitable interest in real property for the development of such property, all for the purpose of strengthening the public planning process, encouraging private participation and comprehensive planning, and identifying the economic costs of such development; and

WHEREAS, the Planning Commission conducted a properly noticed public hearing on April 1, 2026 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, following the public hearing, the Planning Commission voted to recommend to the City Council approval of Development Agreement DA 25-02 on a 4-0 vote, with one member absent; and

WHEREAS, the City published a public hearing notice in The Desert Sun newspaper on October 2, 2026 and a public hearing notice was mailed to property owners within a radius of 300-feet of the subject property on October 1, 2026, pursuant to Section 17.74.010G of the Coachella Municipal Code.; and

WHEREAS, at said Public Hearing, upon hearing and considering all testimony and arguments, if any, of all interested persons desiring to be heard, said City Council did make the following mandatory findings pursuant to Chapter 17.100 of the Municipal Code to justify approval

of said Development Agreement, included to this Ordinance as Exhibit A, and incorporated herewith by this reference:

1. The Development Agreement is consistent with the general plan, and any applicable specific plan.

The Project site is located in the Industrial District as defined by the General Plan. The Development Agreement will support the development of a master planned project consistent with the goals, policies and implementation measures of the General Plan by allowing for the shared costs of infrastructure, the sharing of advertising revenue, and the coordinated and planned development of the project to allow increased property taxes, sales taxes, and employment opportunities for the residents of the City.

2. The Development Agreement is compatible with the uses authorized in, and the regulations prescribed for the land use district in which the real property is located.

The Development Agreement provides for the phased implementation of industrial and commercial land uses in a master planned project that are consistent with the land uses allowed in the Industrial District, and in Subarea 8 of the General Plan. The land uses will occur in a developing area, and will provide for increased employment opportunities for City residents.

3. The Development Agreement is in conformity with good land use planning.

The Project proposes a master planned industrial and commercial development plan that creates opportunities for development and for the installation of infrastructure in an area of the City that is currently underdeveloped and lacking in services. The Project will result in the orderly expansion of land uses as envisioned in Subarea 8 of the General Plan.

4. The Development Agreement will not be detrimental to the health, safety and general welfare.

The Project proposes a master planned, self-contained development that will be isolated from sensitive receptors and residential neighborhoods in the City. The uses likely to locate within the Project are not expected to propose businesses that contain or use hazardous materials, and those that could will be regulated by City, County, State and federal agencies. The improvement of the property will facilitate the development of other surrounding properties by extending utility services in this area of the City which is still developing and expanding.

5. The Development Agreement is in the best interest of the City of Coachella and its residents.

The Development Agreement will assure that the Project pays its fair share of improvements in infrastructure, including the extension of water, sanitary sewer and electricity distribution currently unavailable in this area of the City. This orderly development will allow surrounding lands to develop in an orderly and well planned manner, while providing revenue to the City in the form of property tax, sales tax and a share of advertising revenues.

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

SECTION 1. INCORPORATION OF RECITALS.

The City Council hereby finds that all of the foregoing recitals presented herewith are true and correct and are hereby incorporated and adopted as findings of the City Council.

SECTION 2. CEQA DETERMINATION.

The City Council finds that this Development Agreement DA 25-02 was considered as part of the overall review of the project under the Coachella Airport Business Park Development Environmental Impact Report (SCH No. 2023040106). The Findings of the City Council for this Environmental Impact Report were adopted as part of Resolution 2026-58, and are hereby incorporated by reference.

SECTION 3. SEVERABILITY.

If any section, subsection, subdivision, sentence, or clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall take effect thirty (30) days after adoption.

SECTION 5. PUBLICATION.

The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published in a newspaper of general circulation printed and published within the City of Coachella, pursuant to all legal requirements.

SECTION 6. CERTIFICATION.

The City Clerk shall certify to the adoption of this Ordinance and shall cause it to be published in accordance with California Government Code Section 36933.

Introduced as a first reading this 14th day of October, 2026.

Dr. Frank Figueroa Mayor

ATTEST:

Angela M. Zepeda City Clerk

**APPROVED AS TO
FORM:**

BEST, BEST & KRIEGER

City Attorney

STATE OF)
CALIFORNIA COUNTY) ss.
OF RIVERSIDE CITY)
OF COACHELLA

I HEREBY CERTIFY that the foregoing Ordinance No. 1238 was duly introduced, as a first reading, by the City Council of the City of Coachella at a regular meeting thereof, held on this 14th day of October 2026 by the following vote of Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Angela M. Zepeda City Clerk

ORDINANCE 1238
EXHIBIT A
DEVELOPMENT AGREEMENT