

RESOLUTION NO. PC2022-32

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COACHELLA, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL AMENDMENTS TO COACHELLA MUNICIPAL CODE CHAPTERS 17.32.020 OF TITLE 17 (ZONING) OF THE COACHELLA MUNICIPAL CODE TO REGULATE HEAVY INDUSTRIAL USES WITHIN THE CITY'S M-H (HEAVY INDUSTRIAL) ZONE. 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, the Coachella Zoning Ordinance currently allows heavy industrial uses in the M-H (Heavy Manufacturing) having community-wide impacts without any discretionary reviews and this has resulted in environmental effects to areas outside of the project boundaries of heavy industrial sites in the M-H zone, which is not in keeping with the City's General Plan goals and policies; and,

WHEREAS, the Planning Commission believes that the regulation of heavy industrial uses merit additional scrutiny and consideration by the Planning Commission in order to impose reasonable land use conditions of approval upon these uses, the City Council finds that this will provide the added scrutiny needed to address the negative impacts posed by these conditional uses; and,

WHEREAS, the Planning Commission conducted a properly noticed public hearing on September 21, 2022 at which members of the public were afforded an opportunity to comment upon this Ordinance, the recommendations of staff and public testimony; and,

WHEREAS, the proposed Ordinance would amend Title 17 (Zoning) of the Coachella Municipal Code to regulate heavy industrial uses within the M-H Heavy Industrial Zone; 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, 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 an Ordinance entitled: “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, AMENDING SUBSECTION (A) AND (C) OF SECTION 17.32.020 OF TITLE 17 (ZONING) OF THE COACHELLA MUNICIPAL CODE TO REGULATE HEAVY INDUSTRIAL USES WITHIN THE CITY’S M-H (HEAVY INDUSTRIAL) ZONE. CITY INITIATED.” which is attached hereto as Exhibit “A” 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 heavy industrial activity lacks the proper 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 M-H heavy industrial zone land use, by allowing uses as either permitted or conditionally permitted uses.

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 heavy industrial activities would be subject to the specified M-H heavy industrial zoning.

SECTION 4. CEQA. The Planning Commission finds that this Resolution is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Section 15060(c)(2) of the State’s CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3), as the action will not result in either a direct or reasonably foreseeable indirect physical change in the environment, and Section 15060(c)(3) of the CEQA Guidelines, as the action is not a project as defined in Section 15378 of the CEQA Guidelines, because it has no potential for resulting in physical change to the environment, directly or indirectly

because this Ordinance does not involve any commitment to a specific project which may result in potentially significant physical impact on the environment.

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 21st day of September, 2022.

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 21st day of September, 2022, and was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Gabriel Perez
Planning Commission Secretary