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ORDINANCE NO. 1176

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, AMENDING SECTIONS 16.12.110 AND 17.70.050 OF THE MUNICIPAL CODE REGARDING NOTICES OF PUBLIC HEARING RELATED TO TENTATIVE SUBDIVISION MAPS AND THE PROCESSING OF APPLICATIONS ON PLANNING AND ZONING MATTERS

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

**SECTION 1. Amendment to Coachella Municipal Code.** Coachella Municipal Code Chapter 16.12 *Tentative Maps*, Section 6.12.110 is hereby amended as follows (deleted text in ~~strikethrough~~, new text in **bold underline**):

“16.12.110 - Public hearing.

All tentative subdivision maps shall be reviewed by both the planning commission and the city council at duly noticed public hearings. Notice of public hearings shall be by both mailed notice and posting of the property. **Such written notice shall be provided in English and Spanish, or in such other language as may be required by law. Failure to provide written notice in any language other than English shall not affect the validity of any notice provided hereunder.**

- A. Written notice shall be mailed to the subdivider and to the owners of all property within three hundred (300) feet of the exterior boundaries of the property involved at least ten (10) days prior to the date of the hearing. The last known name and address of each owner as shown on the records of the county assessor may be used for the notice.
- B. An agent of the city planner shall post notices of public hearings not less than ten (10) days before the event. At least three notices, not more than three hundred (300) feet apart, shall be posted in front of each block or part of a block effected by the public hearing.
- C. Notification of subsequent hearings may be given at each preceding meeting, but additional written notice is not required.
- D. Any interested person may appear at a hearing and shall be heard.”

**SECTION 2. Amendment to Coachella Municipal Code.** Coachella Municipal Code Chapter 17.70 *Administration Generally*, Section 17.70.050 is hereby amended as follows:

“17.70.050 - General rules for processing applications.

- A. **Initiation.** Applications to initiate consideration of planning and zoning matters may be made by a variety of persons or agencies, such as owners, bona fide lessees, the city planning commission or the city council. The specific types of are listed under the applicable procedures.
- B. **Applications—Form and Content.**

1. Applications shall be made on a form prepared by the agency having jurisdiction. Additional verified information may also be required in accordance with provisions of this chapter and rules established by the authorized agency.
  2. Applications shall be filed in person at the public counter of the department and must include payment of required filing fees.
- C. Applications—Required Plan or Maps.
1. Applications may require inclusion of a zoning and land use map plus a verified list of property owners that are shown upon the records of the county assessor to be within the area of required notification. Specific requirements shall be as shown on the application and the requirements of notification.
  2. Sets of plot plans of the property and tentative plans for any proposed building construction or structural changes may also be required. Photographs and other descriptive material are generally recommended.
- D. Withdrawal of Application. Any applicant may withdraw an application at any time, provided the withdrawal is in writing and notification of public hearing has not been mailed. Any public hearing for which notification has been given shall be held, after which the withdrawal in writing of the application may be approved. If the withdrawal is accepted, the application shall be deemed null and void.
- E. Public Hearings.
1. A public hearing is a session to receive original evidence or testimony on applications regulated by this chapter. These, when required, are held by the planning commission or city council, depending on the type of case involved.
  2. The planning commission and city council meet in regularly scheduled sessions to discuss and rule on planning and zoning matters. At these public meetings, they may hear original evidence or testimony on applications where permitted or not prohibited by this chapter. In such cases, the meeting is also a public hearing.
  3. Public hearings on matters under planning commission jurisdiction are generally conducted by a member of the planning department staff who shall investigate and prepare a report for the commission. The commission may conduct the public hearing if it so elects.
- F. Notification of Public Hearing. A public hearing shall require notification of the time, place and purpose of the hearing in one or more of the following ways **listed below** and as noted by reference under the specific procedure. **Written notice provided in the ways listed below shall be provided in English and Spanish, or in such other language as may be required by law. Failure to provide written notice in any language other than English shall not affect the validity of any notice provided hereunder.**
1. Newspaper. by at least one publication in a newspaper of general circulation in the city not less than ten (10) days prior to the date of the hearing.
  2. Written Notice to Applicant and Surrounding Owners. By mailing written notice not less than twelve (12) days prior to the date of such hearing to the applicant and owners of all property within a three hundred-foot radius from the subject property. However, in the

case of wireless communication facility applications under Chapter 17.86, the radius shall be five hundred (500) feet. Where seventy-five (75) percent or more of the property within the three hundred-foot or five hundred-foot radius is owned by the applicant, or is in public ownership, notification shall include all adjacent property owners.

3. Written Notice to Applicant and Adjacent Property Owners. By mailing written notice not less than twelve (12) days prior to the date of such hearing to the applicant and adjacent property owners or other persons on request.
  4. Written Notice for Applications Governing Public Facilities. By written notice to the applicant not less than twelve (12) days prior to the date of such hearing. Additional notice to adjacent or surrounding residents is at the option of the agency having jurisdiction.
  5. Posting. Posting of notification may be required for building line and planned street line procedures or for other cases at the discretion of the responsible agency. Upon written request of the agency having jurisdiction, an agent of the superintendent of public works shall post notices of public hearings not less than twelve (12) days before the event. At least three notices, not more than three hundred (300) feet apart, shall be posted in front of each block or part of a block affected by the public hearing.
  6. Notification of Subsequent Hearings. Notice of subsequent public hearings may be given at each preceding meeting, but additional written notice is not required.
- G. Combined Procedures. The planning commission may hear or consider simultaneously multiple proposals for any matter under its jurisdiction if the procedural questions refer to the same property or to adjoining property under the same ownership.
1. If in such cases, only one notification of public hearing need be given concerning the proposals and all matters may be considered at one public hearing.
  2. The property owners to be notified shall be the same ones that would be notified if each procedure was handled separately. Where time limits differ, the longer time periods shall govern.
  3. If the planning commission approves either or all of the proposals under consideration, a recommendation or ordinance in conformity therewith shall be presented to the city council for required action or adoption concurrently.
  4. The city council may also hear or consider simultaneously multiple proposals for any matter under its jurisdiction, if the procedural questions refer to the same property or to adjoining property under the same ownership. It is subject to rules of notification similar to those of the planning commission, where applicable.
- H. Procedure for Conduct and Recordation of Public Hearing. Whenever a public hearing is conducted to receive original evidence or testimony, a written report and summary of the pertinent points presented at the hearing or a written determination, where applicable, shall be prepared by the person conducting the hearing.
1. Oaths. All testimony and statements of fact received at public hearings may be under oath.”

**SECTION 3. 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 4. Effective Date.** This Ordinance shall take effect thirty (30) days after its adoption.

**SECTION 5. 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 6. 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.

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Steven A. Hernandez, Mayor

ATTEST:

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Angela M. Zepeda, City Clerk

APPROVED AS TO FORM:

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Carlos Campos, City Attorney