



STAFF REPORT
11/10/2021

TO: Honorable Mayor and City Council Members

FROM: Gabriel Perez, Development Services Director

SUBJECT: Ordinance No. 1190 (Zoning Ordinance Amendment 21-03) amending Sections 17.72.010 and 17.74.050 of Title 17 (ZONING) of the Coachella Municipal Code to regulate time extension requests for Architectural Review and Conditional Use Permits (1st Reading).

STAFF RECOMMENDATION:

Staff recommends that the City Council introduce for first reading, by title only, Ordinance No. 1190 amending Sections 17.72.010 and 17.74.050 of the Coachella Municipal Code to regulate time extensions for Architectural Review and Conditional Use Permits.

BACKGROUND:

The Planning Commission previously discussed this permissive Zoning Code provision that allows developers to delay construction activity for several years after a project is approved, only to come in with retroactive time extension requests for Conditional Use Permits (CUP) and Architectural Reviews (AR). On November 7, 2018, the Planning Commission considered Zoning Ordinance 18-01 and recommended to the City Council approval of the ordinance, which would eliminate retroactive extensions for CUPs and ARs. The ordinance also included more stringent regulation of M-H (Heavy Industrial) Zone uses for intensive industrial uses, currently allowed by right, and recommended a conditional use permit requirement for these uses. The ordinance was considered by the City Council on December 12, 2018 on first reading and the Council took no action due to concerns raised in a letter from Imperial Western Products, Inc. (IWP) based on concerns that the changes to the M-H zone would be discriminatory to IWP and that the amendments to retroactive extensions would give the ability of the Planning Director of Planning Commission to add new conditions of approval without a public hearing.

Staff prepared a new ordinance (Ordinance 1190 - ZOA 21-03) for consideration of the Planning Commission and City Council to eliminate provisions for retroactive extension requests for CUPs and ARs, but not pursue amendments to the M-H zone. The Planning Commission recommended that the City Council adopt Ordinance 1190 at their regular meeting of October 6, 2021.

DISCUSSION/ANALYSIS:

The City's Zoning Code allows Architectural Reviews and Conditional Use Permits to be valid for 12 months, unless the owner obtains building permits and pursues construction of the project diligently. A time extension may be approved by the Planning Commission for up to three 12-month increments if the owner submits a timely request with justification and a filing fee. The Code further states that a project proponent may request a time extension "after the expiration date" of the Architectural Review or Conditional Use Permit if the owner pays "double the fee amount" for the time extension. The Code also allows the Planning Director or the Planning Commission the ability to impose additional conditions with the action to renew the Architectural Review or Conditional Use Permit. The proposed ordinance would eliminate the retroactive extensions for an Architectural Review or Conditional Use Permit.

Comparison to Surrounding Cities:

Staff surveyed the Code provisions of nearby cities for the applicability of time extensions to CUPs and Design Review Permits and identified the following:

- **City of La Quinta:** CUPs and Development Review Permits expire after 2 years. Time extensions of up to two years are permitted. Retroactive extensions are not permitted.
- **City of Indio:** CUPs, Design Review and Site Plans expire after 2 years. Time extensions of up to 12 month are permitted. Retroactive extensions are not permitted. The number of time extensions are not limited.
- **City of Palm Desert:** CUPs and Precise Plan expire after 12 months. Time extensions of up to 12 months are permitted. Retroactive extensions are not permitted. The number of time extensions are not limited.
- **City of Coachella:** Architectural Review and CUPs expire after 12 months. Time extensions of up to 12 months are permitted. Retroactive extension are not permitted. The number of time extensions are limited to three, 12-month time extensions.

GENERAL PLAN CONSISTENCY:

The Planning Commission's directives to encourage the timely construction of previously-approved projects is in keeping with the General Plan policies for economic development and jobs creation. As such, expired architectural approvals, and conditional use permits should be extended when there is documented justification, but "after the fact" time extensions for developers that fail to perform in a timely manner will no longer be allowed under the draft ordinance.

ALTERNATIVES:

1. Introduce Ordinance No. 1190 for first reading, by title only recommending that the City Council adopt the Ordinance amending Sections 17.72.010 and 17.74.050 of Title 17 (ZONING) of the Coachella Municipal Code to regulate time extension requests for Architectural Review and Conditional Use Permits
2. Introduce Ordinance No. 1190 for first reading, by title only, with minor modifications.

3. Take no action.
4. Continue this item and provide staff with direction.

RECOMMENDED ALTERNATIVE(S):

The City of Coachella's permissive policies regarding expired projects, similarly is atypical of most cities which require expired projects to re-apply for a new application and be re-designed in keeping with current city policies. Staff recommends alternative #1.

Attachment:

1. Ordinance No. 1190 1st Reading - Amending Title 17 for Conditional Use Permit and Architectural Review Expirations