

ORDINANCE NO. 1190

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, 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.

WHEREAS, the Coachella Zoning Code currently includes post-determination procedures for expired Conditional Use Permit (“CUP”) reviews by the Planning Commission which procedure can be abused by applicants; and

WHEREAS, the City Council believes that the review of expiring CUP actions 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 October 6, 2021 at which members of the public were afforded an opportunity to comment upon this Ordinance, the recommendations of staff and public testimony; and,

WHEREAS, after such hearing, the Planning Commission recommended by a 5-0 vote that the City Council approve this Ordinance; and,

WHEREAS, the City Council conducted a properly noticed public hearing on November 10, 2021 at which members of the public were afforded an opportunity to comment on this Ordinance, the recommendations of staff and public testimony.

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

SECTION 1. Subsection J(2) of Section 17.72.050 of Chapter 17.72 of Title 17 of the Coachella Municipal Code is hereby amended to read as follows (deleted text in ~~striketrough~~; added text in underlined text):

“17.74.050 - Post-determination procedures.

- A. Intent and Purpose. To provide flexibility in the placement and interrelationship of structures and uses subject to architectural review; to provide for the implementation of sound site plan design concepts while maintaining the overall intensity of land use and density of population; to review the site plan of those uses which are not intrinsically objectionable to the predominant use category of the district, but which have inherent characteristics which, if not properly handled, have potentials for becoming detrimental to the health, safety, or general welfare of the public, or to neighboring land uses; to determine whether or not a proposed development will properly comply with the architectural guidelines of the city and the provisions and development standards required by this chapter or as prescribed by the planning director, or other authorized agent; to improve the quality of development and to provide a mechanism whereby the city can insure well-designed development.

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J. Expiration of Architectural Approval.

1. Architectural approval shall expire three hundred sixty-five (365) days from approval unless the applicant has: obtained a building permit; paid all applicable fees; commenced construction; and is diligently pursuing completion. A cessation of construction for a period of more than thirty (30) consecutive days shall be presumed to be nondiligent.
2. The architectural review approval that has been granted, but not been exercised within one year, may be renewed for three one year time extensions only if an application stating reasons for renewal is filed with the planning director at least ten (10) days prior to one year after the effective date of the architectural review approval. The original approving authority for the architectural review (planning director or planning commission) shall render a decision regarding an extension. ~~If an applicant requests a time extension after the architectural review approval has expired, a retroactive time extension may be approved; however the application fees are double.~~ In the event that the planning director or planning commission acts to ~~renew an~~ grant a time extension for the architectural approval, the planning director or planning commission may impose any reasonable additional conditions on the architectural approval as a condition of its renewal. In the event that such additional conditions are not acceptable to the applicant and/or owner, the planning director or planning commission shall deny the ~~renewal.~~ time extension request.

SECTION 3. Subsection A(2) of Section 17.74.050 of Chapter 17.74 of Title 17 of the Coachella Municipal Code is hereby amended to read as follows (deleted text in ~~strikethrough~~; added text in underlined text):

“17.74.050 - Post-determination procedures.

A. Expiration of Conditional Use.

1. A conditional use shall expire and shall become void one year following the date on which the conditional use became effective, unless prior to the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion, or a certificate of occupancy is issued.
2. A conditional use that has been granted, but not been exercised within one year may be renewed for three one-year time extensions only if an application stating reasons for renewal is filed prior to one year after the effective date of the conditional use approval by the planning commission. ~~If an applicant requests a time extension after the conditional use permit approval has expired, a retroactive time extension may be approved; however the application fees are double.~~ In the event that the planning commission acts to ~~renew a~~ approve a time extension for the conditional use permit, the planning commission may impose any reasonable additional conditions on the conditional use permit as a condition of the time extension, provided a modification to the conditional use permit is processed. ~~is renewal.~~ In the event that such additional

conditions are not acceptable to the applicant and/or owner, the planning commission shall deny the ~~renewal~~ time extension request.

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.

SECTION 7. 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 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.

ORDINANCE PASSED AND APPROVED on this ____ day of _____, 2021.

Steven Hernandez, Mayor

ATTEST:

Angela M. Zepeda, City Clerk

APPROVED AS TO FORM:

Carlos Campos, City Attorney

I, Andrea J. Carranza, Deputy City Clerk, City of Coachella, California, certify that the foregoing Ordinance was adopted by the City Council at a regular meeting of the City Council held on the ___th of _____, 2021, and was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Andrea J. Carranza, Deputy City Clerk