

## **ORDINANCE NO. 1155**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, APPROVING A FIRST AMENDMENT OF THE LA ENTRADA DEVELOPMENT AGREEMENT TO MODIFY MILESTONE DATES FOR COMMENCEMENT OF CONSTRUCTION AND TO INCREASE THE NUMBER OF AFFORDABLE HOUSING UNITS FOR THE 2,200-ACRE LA ENTRADA SPECIFIC PLAN PROJECT LOCATED ON THE SOUTH SIDE OF THE I-10 FREEWAY, EAST OF THE ALL-AMERICAN CANAL AND NORTH OF AVENUE 52. PSAV, LLC., APPLICANT.**

**WHEREAS**, the Coachella City Council of the City of Coachella (“City”) has found that development agreements strengthen the public planning process, encourage private participation in comprehensive planning by providing a greater degree of certainty in that process, reduce the economic costs of development, allow for the orderly planning of public improvements and services, allocate costs to achieve maximum utilization of public and private resources in the development process, and ensure that appropriate measures to enhance and protect the environment are achieved; and

**WHEREAS**, pursuant to California Government Code Sections 65864 et seq., the City is authorized to enter into development agreements providing for the development of land under terms and conditions set forth therein; and

**WHEREAS**, PSAV, LLC, a Delaware limited liability company filed an application for a Development Agreement in conjunction with the La Entrada Specific Plan and EIR Project which allows for the phased development of a 2,200-acre master planned community consisting of up to 7,800 dwelling units and 1,510,879 square feet of retail and office commercial and approximately 720 units of high density residential, located on the south side of the I-10 Freeway, east of the All-American Canal, and north of Avenue 52 (“Project”); and,

**WHEREAS**, in order to obtain a greater degree of certainty as to the Applicant’s ability to expeditiously and economically develop the Project and provide the City with various public benefits, applicant has duly filed an application for a Development Agreement in accordance with the State of California’s Development Agreement Statute (California Government Code Sections 65864 – 65869.5).

**WHEREAS**, the La Entrada Development Agreement was recommended for approval by the Coachella Planning Commission on May 21, 2014 and the City Council approved the La Entrada Development Agreement on June 11, 2014; and,

**WHEREAS**, PSAV, LLC is the fee owner of the real property in question located within the City of Coachella, County of Riverside, State of California and filed a request for Development Agreement Amendment in order to modify milestone dates for commencement of construction and to increase the number of affordable housing units for the 2,200-acre La Entrada Specific Plan; and,

**WHEREAS**, the Coachella Planning Commission recommended approval of the La Entrada Development Agreement (First Amendment) on December 4, 2020 at a duly noticed public hearing where the public was afforded an opportunity to testify; and,

**WHEREAS**, the Coachella City Council held a duly noticed public hearing on January 22, 2020 to consider the La Entrada Development Agreement (First Amendment) and the public was afforded an opportunity to testify; and,

**WHEREAS**, in compliance with the requirements of the California Environmental Quality Act (“CEQA”), the City Council approved Resolution No. 2013-53 certifying a Program Environmental Impact Report for the La Entrada Specific Plan project on November 13, 2013; and,

**WHEREAS**, the City Council makes the following findings:

A. The Development Agreement (First Amendment) is consistent with the objectives, policies, general land uses and programs specified in the City’s general plan for the Specific Plan District designation of the subject site.

B. The Development Agreement (First Amendment) is compatible with the uses authorized in and the regulations prescribed for the land use district in which the real property is located in that there are no uses proposed that are in conflict with the approved La Entrada Specific Plan.

C. The Development Agreement (First Amendment) is in conformity with the public necessity, public convenience, general welfare and good land use practices which includes the development of a phased master-planned community with public infrastructure, schools, neighborhood serving commercial and open space with trails and transportation linkages providing a high quality of life.

D. The Development Agreement (First Amendment) will not be detrimental to the health, safety and general welfare in that the orderly development of the project would be a beneficial use of the existing native desert hillside terrain providing economic development opportunities, affordable housing opportunities, and an enhanced tax base and employment base for the City of Coachella.

E. The Development Agreement (First Amendment) will not adversely affect the orderly development of property or the preservation of property values in that there are no sensitive uses in or near the subject site that would otherwise be affected by the development of the project.

F. The Development Agreement (First Amendment) will have a positive fiscal impact on the city based on the approved fiscal impact study that is a part of the approved La Entrada Development Agreement.

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

**SECTION 1. Incorporation of Recitals.** The City Council hereby adopts the foregoing recitals as its findings in support of the following regulations and further finds that the proposed La Entrada Development Agreement – First Amendment is in the public interest and in keeping with the City’s General Plan goals and objectives.

**SECTION 2. La Entrada Development Agreement – First Amendment.** The City Council, in light of the whole record before it, including but not limited to the recommendation of the Planning Commission and Development Services Director as provided in the Staff Report dated February 12, 2020 and documents incorporated therein by reference and any other written and oral evidence within the record or provided at the public hearing of this matter, hereby recommends that the City Council approve the La Entrada Development Agreement (First Amendment), attached hereto as Exhibit “A”.

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

**SECTION 4. 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. If for any reason any portion of this Ordinance is found to be invalid by a court of competent jurisdiction, the balance of this Ordinance shall not be affected.

**SECTION 5. 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 6. CEQA.** On November 13, 2013, as part of the original approvals for the La Entrada project and La Entrada Specific Plan, the City Council of the City of Coachella approved Resolution No. 2013-53 certifying the Final Program Environmental Impact Report prepared for the La Entrada Project applications in accordance with the California Environmental Quality Act (CEQA) along with specific findings and a statement of overriding considerations. The proposed Development Agreement Amendment does not result in any new environmental effects that were not previously analyzed as part of the original project. As such, no new environmental review is required, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**PASSED, APPROVED and ADOPTED** this 26<sup>th</sup> day of February 2020.

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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

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

**I HEREBY CERTIFY** that the foregoing Ordinance No. 1155 was duly and regularly introduced at a meeting of the City Council on the 12<sup>th</sup> day of February 2020, and that thereafter the said ordinance was duly passed and adopted at a regular meeting of the City Council on the 26<sup>th</sup> day of February 2020.

AYES:

NOES:

ABSENT:

ABSTAIN:

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Andrea J. Carranza, MMC  
Deputy City Clerk