

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, AMENDING COACHELLA MUNICIPAL CODE TITLE 17, ZONING, AND THE OFFICIAL COACHELLA ZONING MAP REGARDING ZONING CONSISTENCY UPDATES FOR IMPLEMENTATION OF THE COACHELLA GENERAL PLAN 2035. CITY-INITIATED (*First Reading*)

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, the proposed Ordinance would amend Title 17 (Zoning) under Zoning Ordinance Amendment No. 22-03 to implement the General Plan 2035 by reclassifying five (5) zones, revised eight (8) zones, create four (4) new zones and delete one (1) zone including the list of permitted uses and development standards as well as amend the City of Coachella Official Zoning Map (Change of Zone No. 23-01); and,

WHEREAS, The City’s proposed Zoning Code and General Plan Amendment is in accordance with Section §15183 (Projects Consistent with a Community Plan or Zoning) of the California Environmental Quality Act (CEQA) Guidelines, subsection (a) which states that additional environmental review is not required for projects “which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified”, except as might be necessary to determine whether there are project-specific significant effects.

WHEREAS, based on that analysis, the City Council does not require preparation of a subsequent or supplemental EIR because in this case, the proposed project is consistent with the City’s General Plan 2035 and Final Environmental Impact Report (EIR), which were adopted and certified by the City Council on April 22, 2015. Therefore, the proposed project is consistent with State CEQA Guidelines Section §15168(c)(2) since it is within the programmatic scope covered by the Final EIR and there is no substantial evidence that the proposed Zoning Code Update would require additional environmental analysis.

WHEREAS, on June 7, 2023 the Planning Commission held a duly noticed public hearing to review the project, as modified and the related environmental documents, at which time during the hearing members of the public were given an opportunity to testify regarding the Project; and

WHEREAS, after said public hearing, the Planning Commission recommended that the City Council approve this Ordinance.

WHEREAS, on June 28, 2023 the City Council held a duly noticed public hearing to review the project, as modified and the related environmental documents, at which time during the hearing members of the public were given an opportunity to testify regarding the Project; and

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

SECTION 1. Recitals. The above recitals are true and correct and incorporated herein as findings of fact.

SECTION 2. Findings. The City Council finds that the amendments to Zoning Ordinance and Official Zoning Map proposed by “Exhibit A.1” and “Exhibit A.2” 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.

The City Council also finds that the proposed Zoning Ordinance Amendment No. 22-03 and Change of Zone No. 23-01 would not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that they will ensure parcels within the City limits include an assigned zoning district consistent with the General Plan and that the City’s Pueblo Viejo Implementation Strategy Plan is implemented with appropriate zoning to ensure a thriving downtown environment.

SECTION 3. Amendment to Municipal Code Title 17, Zoning, is hereby amended as identified in Zoning Consistency Update Zoning Ordinance Amendment (ZOA No. 22-03) Exhibit A.1

SECTION 4. Amendment to City of Coachella Official Zoning Map The City of Coachella Official Zoning Map is hereby amended as identified in Zoning Consistency Update Zoning Map Amendment (Change of Zone No. 23-01) in Exhibit A.2

SECTION 5. CEQA Analysis. The City Council finds that proposed Zoning Code and General Plan Amendment is in accordance with Section §15183 (Projects Consistent with a Community Plan or Zoning) of the California Environmental Quality Act (CEQA) Guidelines, subsection (a) which states that additional environmental review is not required for projects “which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified”, except as might be necessary to determine whether there are project-specific significant effects. In this case, the proposed project is consistent with the City’s GP 2035 and Final Environmental Impact Report (EIR) which were adopted and certified by the City Council on April 22, 2015. Therefore, the proposed project is consistent with State CEQA Guidelines Section §15168(c)(2) since it is within the programmatic scope covered by the Final EIR and there is no substantial evidence that the proposed Zoning Code Update would require additional environmental analysis.

Similarly, the proposed project is consistent with CEQA Guidelines Section §15183 (d)(1)(C) since it meets the consistency with “a general plan of a local agency”, and with Section §15183 (d) (2) which states that “an EIR was certified by the lead agency for the.... general plan”.

Additionally, the proposed project is consistent with CEQA Guidelines Section §15162(a) in that no subsequent environmental documentation will be required for the proposed project.

Specifically, the proposed project is not proposing any substantial changes to the City's GP 2035 [§15162(a)(1)], would not result in substantial changes due to the GPU and Zoning Code Update [§15162(a)(2)], nor would it present new information of substantial importance, which was not known and could not have been known with the exercise of reasonable due diligence at the time the previous EIR was certified as complete, showing any of the following [§15162(a)(3)]:

- A. The project will have one or more significant effects not discussed in the previous EIR
- B. Significant effects previously examined will be substantially more severe than shown in the previous EIR
- C. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative
- D. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative

The proposed project is further analyzed for consistency with the certified 2015 EIR prepared for the City's General Plan 2035 in the Findings of Consistency Memorandum (Exhibit A.3) prepared pursuant to the applicable provisions of §15183 of the California Environmental Quality Act (CEQA) Guidelines. Since the Zoning Code Update is a regulatory document that affects the entire City, any future development and redevelopment project in the City would have to be analyzed at a project level for all CEQA related impacts.

SECTION 6. 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 invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions 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 would be subsequently declared invalid or unconstitutional.

SECTION 7. Publication and Effective Date. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published or posted as required by law, which shall take full force and effect thirty (30) days from its adoption.

PASSED, APPROVED, AND ADOPTED this _____ of _____, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steven Hernandez, Mayor
City of Coachella

ATTEST:

Angela M. Zepeda, City Clerk
City of Coachella

APPROVED AS TO FORM:

Carlos Campos, Best Best & Krieger LLP
City Attorney