

ATTACHMENT #1

RESOLUTION NO. 2023-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT NO. 2023-01 FOR THE 6TH CYCLE 2021-2029 HOUSING ELEMENT AND FINDING THE PROJECT EXEMPT FROM CEQA

WHEREAS, the California Government Code requires that cities review and update their housing elements every eight (8) years, according to a schedule set forth by the State Department of Housing and Community Development ("HCD"); and

WHEREAS, the housing element sets forth the housing policies for the City of Indian Wells ("City"), facilitates the preservation and development of housing, and establishes programs to accommodate the City's share of the regional housing needs in Southern California; and

WHEREAS, the City has been assigned an allocation of 382 new housing units as its share of the Regional Housing Needs Assessment ("RHNA") in Southern California; and

WHEREAS, in accordance with State law, the City prepared a draft housing element for the 6th Cycle covering the 2021-2029 ("Draft Housing Element") period in accordance with California Government Code sections 65580-65589.8; and

WHEREAS, in preparing the Housing Element, and in conjunction with the City's ongoing comprehensive General Plan update, the City developed a public engagement program that included a project website dedicated to the General Plan update including the Housing Element, virtual community workshops, stakeholder interviews, advertisements, and emails, all in an effort to educate the community about housing issues and provide opportunities and to gather input on housing-related topics; and

WHEREAS, on December 2, 2021, pursuant to Government Code section 65585(b)(1), the City submitted a First Draft Housing Element to HCD"; and

WHEREAS, HCD must review and provide comments on the First Draft Housing Element and the City must update the Housing Element in response to those comments in order to comply with State housing law; and

WHEREAS, the 30-day public review period on the First Draft Housing Element began on December 3, 2021, during which time City residents and other stakeholders were afforded an opportunity to review and comment on the content of the Draft Housing Element; and

WHEREAS, on May 18, 2022, a duly noticed public hearing on the General Plan Amendment for the First Draft Housing Element was held by the City's Planning Commission, where they recommended approval to the City Council; and

WHEREAS, on June 2, 2022, the City Council held a duly noticed public hearing and adopted the General Plan Amendment for the First Draft Housing Element; and

WHEREAS, on August 12, 2022, the City received comments from HCD on the Adopted Housing Element; and

WHEREAS, the City has now prepared a subsequent draft Housing Element (“Subsequent Draft Housing Element”) in response to HCD’s comments in accordance with State housing law (attached hereto as Exhibit A); and

WHEREAS, on June 22, 2023, the City posted the Subsequent Draft Housing Element online and notified interested parties, housing advocates, and local and regional health and human service providers of its availability and scheduled public hearings; and

WHEREAS, in accordance with Government Code section 65583, the City finds that the Subsequent Draft Housing Element complies with the duty to affirmatively further fair housing; and

WHEREAS, the City has reviewed the project’s potential effects on the environment and has recommended that the project is exempt from the California Environmental Quality Act (“CEQA”) in accordance with Section 15061(b)(3) of the CEQA Guidelines because the activity is governed by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment; and

WHEREAS, notice of a public hearing of the Planning Commission of the City to consider the Subsequent Draft Housing Element was given in accordance with applicable law; and

WHEREAS, on June 29th, 2023, the Planning Commission held a duly noticed public hearing on the General Plan Amendment for the Subsequent Draft Housing Element; and

WHEREAS, notice of a public hearing of the City Council of the City of Indian Wells to consider the General Plan Amendment for the Subsequent Draft Housing Element was given in accordance with applicable law; and

WHEREAS, on July 6, 2023, a duly noticed public hearing on the General Plan Amendment for the Subsequent Draft Housing Element was held by the City Council; and

WHEREAS, after careful consideration of the staff report, public testimony, and all the information presented at the hearing, including project materials and exhibits, the City Council finds as follows:

1. The proposed General Plan Amendment for the Draft Housing Element (6th Cycle 2021-2029) is internally consistent with the General Plan; and
2. The proposed General Plan Amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and
3. The proposed General Plan Amendment will maintain the appropriate balance of land uses within the City.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF INDIAN WELLS AS FOLLOWS:

SECTION 1. The Recitals above are true and correct and are hereby adopted as findings as if fully set forth herein.

SECTION 2. The City Council **FINDS** that the General Plan Amendment is exempt from the California Environmental Quality Act in accordance with Section 15061(b)(3) of the CEQA Guidelines because the activity is governed by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment, and it can be seen with certainty that there is no possibility that the adoption of this policy document would have a significant effect on the environment, directly or indirectly.

SECTION 3. The City Council **ADOPTS** Resolution approving General Plan Amendment No. 2023-01 for the Subsequent Draft Housing Element (6th Cycle 2021-2029) inclusive of revisions necessary to comply with State housing law, attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 4. The City Manager or his designee is authorized to make minor modifications to the Subsequent Draft Housing Element (6th Cycle 2021-2029) to address comments provided by HCD, provided that the modifications would not exceed the total amount of development accommodated by the Housing Element prior to revisions and would not result in new actions by the City that would require a commitment of \$20,000 or greater.

SECTION 5. The City Clerk shall certify the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on this 6th day of July 2023.

**DONNA GRIFFITH
MAYOR**

CERTIFICATION FOR RESOLUTION NO. 2023-__

I, Angelica Avila, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that the whole number of the members of the City Council is five (5); that the above and foregoing Resolution was duly and regularly passed and adopted at a regular meeting of the City Council of the City of Indian Wells on the 6th day of July 2023, by the following vote:

AYES:

NOES:

ATTEST:

APPROVED AS TO FORM:

**ANGELICA AVILA
CITY CLERK**

**TODD LEISHMAN
CITY ATTORNEY**

EXHIBIT "A"

**SUBSEQUENT DRAFT 2021-2029 HOUSING ELEMENT
(Provided in Attachment No. 3)**