

## **ATTACHMENT #4**

### **RESOLUTION NO. PC 2024-01**

#### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDIAN WELLS, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF GENERAL PLAN AMENDMENT NO. 2024-01 ADOPTING AN UPDATE TO THE GENERAL PLAN HOUSING ELEMENT FOR THE 2021-2029 PLANNING PERIOD, AS REQUIRED BY STATE LAW, AND FINDING THE ACTION TO BE EXEMPT FROM CEQA**

**WHEREAS**, pursuant to Government Code Section 65300 et seq., cities and counties are required to adopt a comprehensive, long-term General Plan to guide the social, economic, and physical development of their communities; and

**WHEREAS**, Government Code Section 65302(c) mandates that said General Plan include a Housing Element to adequately plan for the City's existing and projected housing needs, including its share of the regional housing need (RHNA); and

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

**WHEREAS**, the City Council of the City of Indian Wells adopted the 2013–2021 "5th Cycle" General Plan Housing Element on November 7, 2013; and

**WHEREAS**, the City of Indian Wells has been assigned an allocation of 382 new housing units as its share of the Regional Housing Needs Assessment ("RHNA") in Southern California for the 6th Housing Element cycle covering the Planning Period 2021–2029; and

**WHEREAS**, in preparing the Housing Element update, 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 to gather input on housing-related topics; and

**WHEREAS**, in accordance with State law, the City prepared a first draft Housing Element Update for the 6th Housing Cycle covering the 2021–2029 planning period in accordance with California Government Code sections 65580–65589.8; and

**WHEREAS**, the first draft of the 2021–2029 Housing Element Update was submitted to HCD on December 2, 2021, for a 60-day review and comment period under Government Code section 65585(b)(1); and

**WHEREAS**, HCD was required to review and provide comments on the first draft and the City was required to respond to those comments in order to comply with state housing law; and

**WHEREAS**, the 30-day public review period on the first draft 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; and

**WHEREAS**, on January 27, 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; and

**WHEREAS**, HCD issued a letter on January 31, 2022, finding that the draft element addressed many statutory requirements; however, HCD indicated that revisions were necessary to comply with the state Housing Element Law; and

**WHEREAS**, the City of Indian Wells responded by preparing a second draft Housing Element Update incorporating revisions to address HCD's January 31, 2022, comments, in accordance with California Government Code Sections 65580–65589.8; and

**WHEREAS**, on May 18, 2022, a duly noticed public hearing on the General Plan Amendment for the second draft Housing Element was held by the City's Planning Commission, at which the Commission recommended approval to the City Council; and

**WHEREAS**, on June 2, 2022, after consideration of information and testimony presented by City staff, the City's Housing Element consultant, community residents and other interested parties at a duly noticed public hearing, the City Council adopted the second draft of the General Plan Amendment for the 2021–2029 Housing Element Update as required in accordance with state law; and

**WHEREAS**, on June 13, 2022, as directed by the City Council at its June 2, 2022, regular meeting, and in accordance with Government Code section 65585(b)(1), the City submitted the adopted second draft of the 2021–2029 Housing Element Update to HCD for a second 60-day review period; and

**WHEREAS**, HCD issued a letter on August 12, 2022, finding that the adopted second draft addressed many statutory requirements; however, HCD again indicated that revisions were necessary to comply with the state Housing Element Law; and

**WHEREAS**, the City then prepared a third draft Housing Element in response to HCD's August 12, 2022 comments in accordance with state housing law; and

**WHEREAS**, on June 29, 2023, a duly noticed public hearing on the General Plan Amendment for the third draft Housing Element was held by the City's Planning Commission, at which the Commission recommended City Council adopt the third draft of 2021–2029 Housing Element Update; and

**WHEREAS**, on July 6, 2023, after consideration of information and testimony presented by City staff, the City's Housing Element consultant, community residents and other interested parties at a duly noticed public hearing, the City Council adopted the third draft; and

**WHEREAS**, on July 7, 2023, as directed by the City Council at its July 6, 2023, regular meeting, and in accordance with Government Code section 65585(b)(1), the City submitted the adopted third draft of the 2021–2029 Housing Element Update to HCD for a third 60-day review period; and

**WHEREAS**, HCD issued a letter on September 5, 2023, finding that the third draft addressed many statutory requirements; however, more revisions were necessary to comply with the state Housing Element Law; and

**WHEREAS**, the City drafted and posted a fourth draft Housing Element Update for a seven-day public-review and -comment period from November 8, 2023, through November 15, 2023; and

**WHEREAS**, on November 15, 2023, in accordance with Government Code section 65585(b)(1), the City submitted the fourth draft 2021–2029 Housing Element Update (“Final HE”) to HCD for a fourth 60-day review period; and

**WHEREAS**, HCD issued a letter on December 12, 2023, finding that the Final HE meets the statutory requirements of the state Housing Element Law, and that the City must complete any necessary rezoning to accommodate the City’s regional housing need allocation (RHNA), prior to HCD-certification of the Final HE; and

**WHEREAS**, in accordance with Government Code section 65583, the City finds that the Final HE (attached hereto as Exhibit A) complies with state housing law, including the duty to affirmatively further fair housing; and

**WHEREAS**, the Final HE cannot be found by HCD to be in substantial compliance until the City has completed necessary rezones as described in Housing Element Program 3; and

**WHEREAS**, the City has reviewed the project’s potential effects on the environment and has determined 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 February 29th, 2024, the Planning Commission held a duly noticed public hearing on the Final HE General Plan Amendment for the 2021–2029 Housing Element; and

**WHEREAS**, the Planning Commission has considered information and testimony presented by City staff, the City’s Housing Element consultant, community residents and other interested parties at a public hearing held on February 29, 2024.

**NOW, THEREFORE**, the Planning Commission of the City of Indian Wells **RESOLVES** 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.** In accordance with Section 21.06.010 of the City of Indian Wells Zoning Code, the following findings for approving General Plan Amendment No. 2024-01 are made:

1. The proposed General Plan Amendment is internally consistent with the General Plan:

The amendment will replace the current Housing Element with the 2021–2029 Housing Element Update, as required by state law. The amendment is internally consistent with the goals and objectives, and policies of the General Plan, including the Land Use Element. The Housing Element Update identifies the availability of adequate sites to accommodate the City's share of the Regional Housing Need on sites that have been previously identified for residential development, consistent with the City's Land Use Element. A candidate site (APN 633-360-002) has been identified in the Housing Element Update Housing Program for future Development Code Amendment to establish residential densities consistent with those identified in the Housing Element Update for the City's Candidate Rezone Site.

2. The proposed General Plan Amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City:

The Housing Element Update contains a variety of resources that are available for the development, rehabilitation, and preservation of existing and new housing stock in the City for the purposes of protecting the general health, safety, and general welfare of the community as a whole. Specifically, the Housing Element Update identifies housing programs that assist lower- and moderate-income residents, disadvantaged groups, and those with special housing needs.

In addition, regulations established in the City's Municipal Code implement general health, safety and general welfare objectives of the City of Indian Wells General Plan. The Housing Element Update identifies issues, strategies, and programs that focus on neighborhood and housing preservation, housing availability, and equal housing opportunity. Preserving the City's residential neighborhoods and maintaining the City's housing stock are essential steps to retaining the City's livability and character. Providing a greater diversity of housing types, such as multifamily, condominiums, townhomes, and senior housing facilities, will allow both younger and older generations of Indian Wells' residents to remain in the community. Housing variety will also enable citizens from a wide range of economic levels to live within the City.

3. The proposed General Plan Amendment will maintain the appropriate balance of land uses within the City:

The amendment identifies issues, strategies, and programs that focus on neighborhood and housing preservation. The amendment will protect and enhance established neighborhoods while helping the City evolve into a more integrated, walkable, and cohesive community.

**SECTION 3.** The Planning Commission recommends that the City Council find 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 4.** The Planning Commission **ADOPTS** Resolution No. PC 2024-01 recommending that the City Council approve General Plan Amendment No. 2024-01 for the 2021-2029 Housing Element inclusive of revisions necessary in order to comply with state housing law, attached hereto as Exhibit "A" and incorporated herein by reference.

**SECTION 5.** The City Manager or his designee is authorized to make minor modifications to the Housing Element 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 6.** The Community Development Director shall transmit this recommendation to the City Council, and the Planning Commission recommends that General Plan Amendment No. 2024-01 be scheduled for a public hearing before the City Council.

**PASSED, APPROVED, AND ADOPTED** by the Planning Commission of the City of Indian Wells, California, at a regular meeting held on this 29<sup>th</sup> day of February 2024.

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**NICHOLAS CONWAY**  
**CHAIR**

**CERTIFICATION FOR RESOLUTION NO. PC 2024-01**

I, Jon Berg, Community Development Director of the Planning Department of the City of Indian Wells, California, **DO HEREBY CERTIFY** that the whole number of the members of the Planning Commission is five; that the above and foregoing Resolution was duly and regularly passed and adopted at a regular meeting of the Planning Commission of the City of Indian Wells on the 29<sup>th</sup> day of February 2024 by the following vote:

AYES:                      Bahneman, Conway, Schleimer, Shubert, Welch  
NOES:  
EXCUSED:

**ATTEST:**

**APPROVED AS TO FORM:**

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**JON BERG**  
**COMMUNITY DEVELOPMENT DIRECTOR**

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**CRAIG HAYES for**  
**CITY ATTORNEY**

**EXHIBIT "A"**

**FINAL DRAFT 2021–2029 HOUSING ELEMENT**