

# INDIAN WELLS CITY COUNCIL

## May 16, 2024



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**To:** City Council  
**From:** Community Development  
**Prepared by:** Jon Berg, Community Development Director  
**Subject:** **Adopting Addendum to the City's General Plan Environmental Impact Report, Amending the General Plan to Add a Public Benefit Land Use Designation, and Amending the City's Zoning Code to Add a Public Benefit Zone in Compliance with the California Environmental Quality Act**

### RECOMMENDED ACTIONS:

City Council **OPENS** the Public Hearing, takes any public testimony, **CLOSES** the Public Hearing; and:

**ADOPTS** a Resolution of the City Council of the City of Indian Wells, California, adopting an Addendum to the City's General Plan Environmental Impact Report in compliance with the California Environmental Quality Act; approving General Plan Amendment no. 2024-02 amending the General Plan Land Use Element and Land Use Map to add a Public Benefit land use designation; and directing staff to file a notice of determination; and

**INTRODUCES** Ordinance adding, pursuant to an adopted Addendum to the City's General Plan Environmental Impact Report in compliance with the California Environmental Quality Act, chapter 21.37 and amending sections 21.12.20 and 21.12.030 of the City's zoning code and approving Zone Map Amendment 2024-01 to add a Public Benefit land use and zoning designation; and directing staff to file a notice of determination.

### BACKGROUND:

In June 2022, the City approved General Plan Amendment No. 2022-01 for the adoption of the 6<sup>th</sup> Cycle 2021-2029 Housing Element. The City submitted it to the California Department of Housing and Community Development ("HCD") for certification. But HCD declined, insisting that it was not sufficient.

The City revised the Housing Element to address HCD's comments. On July 6, 2023, the City approved the revised Housing Element, and the City submitted it to HCD.

Again, HCD insisted that it was not sufficient. To accommodate HCD, the City made further revisions specific to Affirmatively Furthering Fair Housing (“AFFH”) and Reducing/Removing Governmental Constraints. The City submitted an unadopted draft of the second revised Housing Element to HCD for input.

In December 2023, HCD issued a Findings Letter (Pre-Certification Letter) that the most recently revised Housing Element does meet the statutory requirements of state law, noting that the City must readopt the revised Housing Element *and* complete the necessary rezoning program (Program 3 - Production of New Housing Units [Shortfall Program]) before HCD will officially certify the Housing Element as being substantially compliant.

SB 197, which was signed into law on June 30, 2022, changed the rezoning deadlines for jurisdictions within the Southern California Association of Governments (“SCAG”), which includes the City of Indian Wells. All SCAG jurisdictions that did not have an adopted and certified Housing Element by October 15, 2022, must now complete their rezoning programs prior to certification.

In April 2024, the City Council approved General Plan Amendment No. 2024-01 for re-adoption of the 6<sup>th</sup> Cycle 2021–2029 Housing Element. The City is now moving forward with the required rezoning program (Program No. 3) to accommodate the identified housing shortfall. The already adopted Housing Element and the completed rezoning program will be submitted to HCD for formal certification of the Housing Element.

Planning Commission reviewed General Plan Amendment 2024-02, Zone Text Amendment 2024-01 and Zone Map Amendment 2024-01 at a public hearing during their regularly scheduled meeting on April 25, 2024, and approved a resolution (Attachment 1), with a vote of 4 to 1, recommending City Council adopt the rezoning program.

## **DISCUSSION:**

As outlined in Program No. 3 of the City’s adopted 6<sup>th</sup> Cycle Housing Element, and required under SB 197, the City is now implementing the required rezoning program to accommodate its RHNA. This action involves adopting a General Plan Amendment (“GPA”) to the Land Use Element and the associated Land Use Map (Attachment 2), as well as a Zone Text Amendment and Zone Map Amendment (“Zone Change”), to designate a new Public Benefit (“PB”) land-use designation and zone (Attachment 3) to the vacant 34-acre parcel at the northeast corner of Miles Avenue and Warner Trail (APN 633-360-002) (Attachment 4). This site is identified as an inventory site in the City’s now-adopted 6<sup>th</sup> Cycle Housing Element to accommodate 128 affordable housing units over 8 to 10 acres of the site to help satisfy the City’s RHNA requirements.

The purpose of the PB Zone is to provide space for the provision of uses that are beneficial to the public, including affordable housing and supporting uses, such as public park,

recreation, open space, and parking. Residential areas within the PB Zone will generally provide for a wide range of density between 8-24 dwelling units per acre. The actual designation of each Public Benefit area will be PB followed by a corresponding number (e.g., PB-1; PB-2 etc.). The allowable uses will be the same, however, each PB area may contain site specific development standard and residential densities within the allowable range. The 34-acre site at the northeast corner of Miles and Warner Trail will be designated "PB-1" with an allowable residential density between 20 – 24 dwelling units per acre.

The PB-1 site is currently vacant and zoned Residential Medium Density ("RMD"). Based on the maximum density of 7.0 dwelling units per acre (General Plan Table IIA-2. 2025 General Plan Land Use Buildout Estimate), the site could be developed with approximately 238 dwelling units under current RMD zoning. The proposed GPA and Zone Change to PB-1 would allow a maximum density up to 24 dwelling units/acre over 29% of the site, which would still allow for development of 238 dwelling units focused within a 10-acre portion of the site. Therefore, the proposed PB-1 Zone will still be consistent with the maximum density currently allowed for the 34-acre site in the General Plan and overall residential growth identified and analyzed in the General Plan's Final Environmental Impact Report ("FEIR").

### Zoning Code Amendment

The 6<sup>th</sup> Cycle Housing Element includes Program No. 3 (Production of New Housing Units [Shortfall Program]) to rezone a site of at least 8 acres to address the City's lower income RHNA shortfall. The City proposes to amend Indian Wells Municipal Code Title 21, Zoning Code, and the General Plan Land Use/Zoning Map, to rezone the 34-acre site at the northeast corner of Miles and Warner Trail from RMD to PB-1, as described below.

Indian Wells Municipal Code Title 21, *Zoning Code*, Chapter 21.12, *Establishment of Land Use Categories*, Section 21.12.020, *Land use categories*, would be amended by Ordinance to include a Public Benefit zoning district, including objective development standards and development characteristics (Attachment 5). The Public Benefit zoning district would provide for the development of a limited range of uses providing public benefits, including affordable housing at 8–24 dwelling units/gross acre in the "Residential Areas" and other supporting public uses, such as public park, recreation, open space, and parking. Section 21.12.030, *Land use matrix*, would also be amended to include the Public Benefit zoning district within the Land Use Matrix Table (Attachment 5).

A new Chapter 21.37, *Public Benefit Zone Development Standards*, would be added to Title 21 of the Indian Wells Municipal Code to provide objective development and land use regulations within the Public Benefit Zone, including permitted uses, along with the specific development standards for the new PB-1 Zone, including maximum "Residential Area," density, building setbacks and heights, residential design standards, and nonresidential development, parking, and landscaping standards (Attachment 5).

## General Plan Land Use Element Revisions

The General Plan Land Use Element, including Table IIA-2. 2025 General Plan Land Use Buildout Estimate would be revised to include the new Public Benefit land-use description and associated acreage and development potential resulting from the General Plan Land Use and Zoning Map Amendment (Attachment 6). This will allow for implementation of the required rezoning program in the adopted Housing Element. The following land use description will be added to the General Plan Land Use Element for the new Public Benefit use:

**Public Benefit:** Space for the provision of uses that are beneficial to the public, including affordable housing and other public uses, such as public park, recreation, open space, and parking (Attachment 6).

The General Plan Land Use/Zoning Map (General Plan Figure IIA-3) would also be amended to remove the RMD land use/zoning designation from the 34-acre site at the northeast corner of Miles and Warner Trail and apply the PB-1 Zone within the Civic land use designation on the map (Attachment 6).

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):**

The proposed General Plan Amendments and the Zone Text and Zone Map Amendments have been reviewed in accordance with the authority and criteria contained in the California Environmental Quality Act ("CEQA"), the state and local CEQA Guidelines, and the environmental regulations of the City. The City, acting as Lead Agency, determined that no new significant impacts or impacts more severe than those analyzed in the City's certified General Plan Environmental Impact Report ("PEIR") would occur as a result of implementing the proposed updates to the City's Zoning Code and Land Use Element. As none of the conditions described in State CEQA Guidelines Section 15162 calling for the preparation of a Subsequent EIR or Negative Declaration have occurred, an Addendum to the General Plan PEIR (SCH No. 94092037) has been prepared in compliance with CEQA (Attachment 7).

## **ATTACHMENTS:**

1. PC Resolution No. 2024-03
2. Resolution
3. Ordinance
4. Vicinity Map
5. Redline-Strikeout Code Amendments
6. Redline-Strikeout GP Land Use Amendments
7. General Plan FEIR Addendum