

INDIAN WELLS CITY COUNCIL

February 13, 2025



To: City Council

From: Community Development

Prepared by: Jon Berg, Community Development Director

Subject: **Resolution Certifying the Programmatic Environmental Impact Report (SCH #2024071208) for the Comprehensive General Plan Update And Associated Zone Map Amendment and Adopting Environmental Findings. Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program Pursuant to CEQA; Resolution Adopting, Pursuant to the Certified PEIR, General Plan Amendment No. 2025-01 for a Comprehensive Update to the General Plan; and Ordinance Approving, Pursuant to the Certified PEIR Zone Map Amendment No. 2025-01**

RECOMMENDED ACTIONS:

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

ADOPTS Resolution To Certify The Final Environmental Impact Report (SCH #2024071208), Adopt Environmental Findings, And Adopt A Statement Of Overriding Considerations And Adopt Mitigation Monitoring And Reporting Program Pursuant To The California Environmental Quality Act For The City Of Indian Wells Comprehensive General Plan Update And Associated Zone Map Amendment; and

ADOPTS Resolution Approving, Pursuant To The Certified Final Environmental Impact Report (SCH #2024071208), For The City Of Indian Wells Comprehensive General Plan Update And Associated Zone Map Amendment, General Plan Amendment No. 2025-01 Adopting A Comprehensive Update To The City's General Plan And Approving An Ordinance To Adopt Zone Map Amendment No. 2025-01 Amending The City's Official Zoning Map Consistent With The Updated General Plan Land Use Map; and

INTRODUCES An Ordinance Approving, Pursuant To The Certified Final Environmental Impact Report (SCH #2024071208), The City Of Indian Wells Comprehensive General Plan Update And Associated Zone Map Amendment, Amending The Official City Of Indian

Wells Zoning Map (ZMA 2025-01) By Rezoning Certain Parcels Of Land To Be Consistent With The Resort Commercial Land Use Designation In The General Plan; and

APPROVES Ordinance to be brought back for Second Reading and Adoption.

BACKGROUND:

The City of Indian Wells is undertaking a comprehensive update to its General Plan, marking the first such effort since 1996. The General Plan serves as the City's foundational policy document, guiding physical development and land use decisions over a 20-year horizon. Over time, the City has amended the General Plan to address specific needs, including periodic updates to the Housing Element as required by state law, but a full update is necessary to align with current state requirements, local priorities, and emerging trends. In May 2020, the City Council authorized a professional services agreement with De Novo Planning Group to lead efforts in developing the General Plan Update. The General Plan Update was anticipated to be completed in 2023, however, its completion was delayed until the City's 6th Cycle Housing Element was certified through the State Department of Housing and Community Development (HCD).

The City of Indian Wells' Comprehensive General Plan Update identifies the community's vision for the future and provides a framework that will guide decisions on growth, development, and conservation of open space and resources in a manner that is consistent with the quality of life desired by the City's residents and businesses. The General Plan Update is intended to supersede and replace the City's 1996 General Plan. While the General Plan Update carries forward some of the major goals and policy framework of the 1996 General Plan, it has been comprehensively updated to address local conditions, community priorities and goals, State law, and has been reorganized to make the document more user-friendly and straight forward.

The General Plan Update represents a balanced approach to growth, emphasizing sustainability, economic prosperity, and quality of life. By adopting this comprehensive update, Indian Wells ensures its policies remain relevant and effective, supporting the community's vision for the future while fulfilling State requirements and addressing local priorities.

The City's Planning Commission held a Public Hearing on January 30, 2025, where they reviewed and unanimously recommended (3 to 0) City Council approval of the General Plan Amendment for the comprehensive General Plan Update, the Ordinance for the Zone Map Amendment, and certification of the associated Programmatic Environmental Impact Report (EIR).

DISCUSSION:

General Plan Overview

In California, all cities and counties are required to adopt a General Plan. The General Plan is a comprehensive policy document that shapes the long-term physical development of a jurisdiction's planning area. The General Plan must include at least seven state-mandated elements including land use, circulation, housing, conservation, open space, noise, and safety elements, as specified in Government Code Section 65302, to the extent that the issues identified by State law exist in the City's planning area. The degree of specificity and level of detail of the discussion of each General Plan element need only reflect local conditions and circumstances. The General Plan may also contain optional elements. The City of Indian Wells comprehensive General Plan Update has been prepared consistent with the requirements of State law and addresses the relevant items addressed in Government Code Section 65300 et seq. In addition to the mandatory elements, the City's General Plan Update also includes other topics of local importance, including community design, sustainability, economic development, and public facilities.

The Indian Wells General Plan was last comprehensively updated in 1996. Since then, substantial changes to the planning context of the City have occurred, including accelerated growth in the region, new housing and land use legislation, as well as new ways of thinking about sustainability, public health, and placemaking. In light of these changes, the City undertook a comprehensive update of the General Plan as an opportunity to reassess and refine its long-term vision and identify the new challenges it will face, opportunities it will follow, and approaches it will use to make that vision a reality. The General Plan is more than just the legal basis for all local land use decisions; it is the vision for how the City will evolve, reflecting the community's goals and objectives.

A city's General Plan is often referred to as its "constitution" which serves as the jurisdiction's primary legal document governing growth, development, and resource management issues. The General Plan Elements are required to be internally consistent and development regulations (i.e., zoning and subdivision standards), plans, ordinances and policies are all required by law to be consistent with the General Plan. This "vertical" consistency helps resolve conflicts between local specific plans, the City's Zoning Ordinance, and the General Plan. The General Plan expresses the community's development goals and embodies public policy relative to the distribution of future land uses, both public and private. The California Supreme Court has described General Plans as the "charter to which [zoning] ordinance[s] must conform," but the General Plan extends far beyond zoning and land use. A General Plan provides guidance on achieving a long-range vision of the future for a city (or county). To reach this envisioned future, the General Plan includes goals, policies, and implementation programs that address both

near-term and long-term needs. The City of Indian Wells' General Plan looks ahead approximately 20 years—to the year of 2040. At the same time, the General Plan will provide policy direction that allows for flexibility to respond to changes in the marketplace and in technology, positioning the City for long-term success. A comprehensive General Plan Update provides numerous benefits to a community, including:

Community Driven Vision: Allows for extensive public input to incorporate the community's desires and priorities into the plan, creating a sense of ownership and buy-in.

Informed Decision Making: Provides a framework for evaluating development proposals, ensuring consistency with the community's overall goals and priorities.

Strategic Land Use Allocation: Identifies optimal locations for different types of development, promoting efficient land use and minimizing conflicts.

Enhanced Economic Development: Attracts quality investments by demonstrating a community's commitment to planned growth and stability.

Environmental Stewardship: Incorporates sustainability considerations to protect natural resources and mitigate environmental impacts.

Improved Infrastructure Planning: Guides the development of necessary public facilities like roads, schools, and parks to meet future needs.

Resilience Building: Allows proactive planning to address potential challenges like climate change or demographic shifts.

Grant Funding Opportunities: A well-developed General Plan can strengthen grant applications by demonstrating a clear vision and community support for proposed projects.

Legal and Regulatory Compliance: Ensures that development decisions align with local, state, and federal regulations.

Housing Element Update Completed

The Housing Element is one of the mandatory components of the General Plan and is the only Element individually certified by the State's Department of Housing and Community Development (HCD) for an eight-year cycle. The City received direction from the Southern California Association of Governments (SCAG) in 2020 regarding the City's 2021-2029

Regional Housing Needs Allocation (RHNA), which required the City to temporarily redirect its focus on preparing an update to the City's Housing Element and receiving certification of the Housing Element from HCD prior to completing the comprehensive General Plan Update process.

As required by State Housing Law, failure to complete an update to the Housing Element in a timely manner could have put the City at-risk of financial penalties and loss of local land use control. Therefore, from 2021 through 2024, the City prioritized preparation of its Housing Element in accordance with State Housing Law. The City Council adopted its 2021-2029 Housing Element on April 4, 2024, but before HCD would certify the Housing Element, the City had to formally adopt the rezoning program (Program No. 3) in the Housing Element to facilitate our RHNA requirements. This action was subsequently approved by City Council on May 16, 2024, which included adopting a General Plan Amendment to the Land Use Element and the associated Land Use Map, as well as a Zone Text Amendment and Zone Map Amendment, to designate a new Public Benefit land-use designation and zoning district to the vacant 34-acre parcel at the northeast corner of Miles Avenue and Warner Trail (APN 633-360-002). After the City Council's formal adoption of the Housing Element and rezoning program, HCD officially certified the City's 2021-2029 Housing Element on July 30, 2024. Consequently, these actions have already been adopted and are not a part of the General Plan Update and Zone Map Amendment actions currently being considered through this Public Hearing.

Public Engagement Program

This Public Hearing follows multiple years of public outreach on the General Plan Update which began in 2020 using a wide variety of methods and tools, to inform and encourage the community to participate in the update process. The City is very appreciative of the residents and other stakeholders that participated in the many community meetings for the development of the General Plan Update. The following is a list of methods and tools used to inform the public of meetings, workshops, and the status of the work efforts:

General Plan website: The City maintained a website (www.Indianwells.generalplan.org) devoted to informing the public about, and encouraging participation in, the update process. The website includes workshop materials, background information, and draft and final work products.

Stakeholder consultation: The City engaged with community stakeholders in and around Indian Wells throughout preparation of the General Plan.

E-mail distribution list: The project team compiled a database of community members and stakeholders who registered to be notified via email of future public engagement

opportunities and key deliverables. The list was developed and maintained over time, and included email contacts for agencies, organizations, stakeholders, and individuals.

Social media: The City regularly posted meeting notices and project updates to its social media platforms, including Facebook, X (formerly Twitter), YouTube, and Nextdoor.

General Plan Workshops: The City hosted four workshops with the public and stakeholders during the General Plan Update process addressing different topics and focus. Each workshop included a brief overview of the General Plan, including why it's important and why the City is updating its Plan, some background information on the topic, and a series of facilitated activities to solicit input on key topics or ideas. The following briefly describes the topics and focus of these workshops:

Workshop 1: Vision and Values - The focus of this workshop was to identify community values and develop ideas for a land use vision for Indian Wells, including key development areas/opportunity sites.

Workshop 2: Community Health and Wellness - The focus of the second Workshop was to identify how to define and incorporate community health and wellness into the General Plan.

Workshop 3: Housing Element - The focus of the third workshop was to provide residents with an avenue to learn about the Housing Element, provide input, and ask questions. The workshop included activities related to fair housing and the City's proposed housing sites.

Workshop 4: Circulation - The fourth workshop focused on circulation (mobility), including safer streets and multi-modal transportation options.

Public Review Draft: The City circulated the Draft General Plan Policy Document and Programmatic Environmental Impact Report for public and responsible agency review on November 7, 2024, and invited comments until December 23, 2024. Based upon comments received from the community, responsible agencies and stakeholders throughout the duration of the planning process, this report presents the General Plan Policy Document and the Final Environmental Impact Report to City Council for approval.

Planning Commission Public Hearing: The City's Planning Commission held a Public Hearing on January 30, 2025, where they carefully considered the staff report and all the information, evidence, and testimony presented and unanimously recommended City Council approval of the General Plan Amendment for the comprehensive General Plan Update.

Values and Guiding Principles

The following Values and Guiding Principles were developed to reflect the meaningful community input received during the Public Engagement Program from year-round and seasonal residents, key community members and stakeholders, and elected and appointed officials:

Quality of Life: Indian Wells is a prestigious community and international resort destination that values its unparalleled quality of life.

Heritage and Community Character: Indian Wells is a special place that values its unique heritage and community character.

Activities, Recreation, and Open Space: Indian Wells is a leisurely community that values its many attractions, recreation, and open spaces.

Exceptional Services and Amenities: Indian Wells is a safe community that values its exceptional services and amenities.

Working Together: Indian Wells is a vibrant, inclusive, and friendly community that values its year-round and seasonal residents.

Proposed General Plan Policy Document

The Proposed General Plan Policy Document (Attachment 3) includes the Goals, Policies, and Actions, organized by topic area, to support achieving the City's Values and Guiding Principles (listed above). These goals, policies, and actions are specific to the City of Indian Wells and reflect public feedback, compliance with State requirements, and a consideration of existing conditions.

- A "Goal" in the General Plan is the broadest statement of community values. It is a generalized ideal which provides a sense of direction for action. Goals are overall statements of desired future conditions.
- A "Policy" is a specific statement that guides decision-making as the City works to achieve the various goals. Once adopted, policies represent statements of City regulations.
- An "Action" is an action, procedure, implementation technique, or specific program to be undertaken by the City to help achieve a specified goal or implement an adopted policy.

The General Plan is organized into the following Elements (or "Chapters"):

Community Development Element (Land Use and Healthy Lifestyles): This is a key component of a city's overall development plan, outlining the intended distribution,

density, and intensity of different land uses across the community, including residential, commercial, office and open space areas, providing policies to guide future development decisions and ensure compatible land use patterns throughout the city. It is accompanied by a detailed land use map to visually depict these designated zones.

Mobility Element (Circulation): Outlines a city's long-term vision for transportation, detailing goals, policies, and strategies to ensure efficient movement of people and goods across all modes (walking, biking, transit, driving) by considering land use patterns, infrastructure needs, and environmental impacts, aiming to create a balanced, accessible, and sustainable transportation system within the community; essentially acting as a roadmap for future transportation investments and development decisions aligned with the overall General Plan objectives.

Resource Management Element (Conservation, Open Space and Air Quality): Outlines a city's strategy for managing and protecting its natural resources, including land, water, wildlife habitats, and mineral deposits, by establishing policies to guide development, conservation efforts, and mitigation measures to ensure sustainable use and minimize environmental impacts while balancing community needs with ecological preservation; essentially, it's the blueprint for how a community will manage its natural resources for future generations.

Public Safety Element (including Noise): Outlines a city's strategy to protect its residents from potential hazards like fires, earthquakes, floods, and other disasters by identifying risks, establishing mitigation plans, and guiding development decisions to minimize danger, including policies for emergency response, evacuation routes, land use restrictions in high-risk areas, and community preparedness initiatives, all aimed at ensuring public safety during natural or man-made emergencies.

Economic Development Element (including Fiscal Sustainability): Outlines a city's strategy to foster economic growth by identifying key industries, target areas for development, and establishing policies to attract businesses, create jobs, and enhance the local economy, often considering factors like land use, circulation, tourism, and housing availability to support economic goals within the community's overall vision for future development.

Housing Element (adopted separately and provided under separate cover): This is a crucial part of a city's overall development plan, outlining the community's housing needs, goals, and strategies to ensure adequate housing for all income levels by identifying available land, addressing constraints, and establishing policies and programs to facilitate the construction, preservation, and rehabilitation of housing across different demographics, all while adhering to state-mandated housing allocation

targets; essentially acting as a roadmap to guide future housing development within a city.

The General Plan Policy Document also includes an Introduction section which describes the role of the General Plan in decision making, how the General Plan can be amended, and common terms used throughout the document including definitions for the goals, policies, and actions contained therein.

Land Use Map & Zone Map Amendment:

As mentioned above, the Community Development Element includes the Land Use Map, which defines where different types of land use are expected to be developed over time. The City's updated Land Use Map was prepared in response to input from the community, including property owners and stakeholders, who reviewed and provided valuable input and comments on the map during the community workshops and public outreach efforts.

As part of the General Plan Update, only minor revisions to the current Land Use Map are proposed to change the current land use designation at two locations: (1) from Golf and Recreation to Resort Commercial, and (2) Community Commercial to Resort Commercial. The areas where the proposed land use change would occur are generally located north of Highway 111 and east and west of Miles Avenue, facilitating economic development consistent with the City's identity as a premier resort destination. In addition, changes to the Whitewater River Channel are proposed consistent with ongoing efforts to improve the Channel and protect the adjacent properties. Approximately 6.82 acres of the Whitewater River Channel will be removed from the storm channel and added to the developable acreage along the top of the existing levee as part of changing these properties to Resort Commercial uses.

These land use changes also need to be reflected in the City's Official Zoning Map, to ensure consistency between land use policies and zoning regulations. Consequently, City Council approval of the Ordinance for Zone Map Amendment No. 2025-01 (Attachment 4) is required as part of the actions needed to implement the comprehensive General Plan Update and to ensure consistency between the General Plan and Zoning Ordinance.

FISCAL ANALYSIS:

Implementation of the General Plan Update and associated Zone Map Amendment is expected to have a positive fiscal impact on the City by increasing the opportunity to collect additional transient occupancy tax (TOT) in the future associated with development and operation of new Resort Commercial land uses on some of the City's vacant lands that are currently zoned for open space and commercial use.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

This Project has been assessed 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 of Indian Wells, as the “Lead Agency” under the California Environmental Quality Act (CEQA) (California Public Resources Code, Section 21000, et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000, et seq.) has prepared a Programmatic Draft Environmental Impact Report (PDEIR) and Final Environmental Impact Report (Final EIR)(State Clearinghouse No. 2024071208) for the proposed Indian Wells General Plan Update (GPU) and associated Zone Map Amendment (ZMA).

The City of Indian Wells prepared the PDEIR to evaluate the potential environmental impacts associated with buildout of the proposed GPU and associated ZMA (“Project”) (Attachment 5) The PDEIR contains a description of the Project, description of the environmental setting, identification of the Project’s direct and indirect impacts on the environment and General Plan policies and actions to reduce impacts to the extent feasible, as well as an analysis of Project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The PDEIR identifies issues determined to have no impact or a less than significant impact and provides detailed analysis of potentially significant and significant impacts. The PDEIR identified significant unavoidable impacts of the Project, including the permanent conversion of agricultural lands and transportation-related impacts due to increased vehicle miles traveled (VMT). Per CEQA guidelines, the PDEIR also includes a Mitigation Monitoring and Reporting Program. Comments received in response to the Notice of Preparation of the PDEIR were considered in preparing the analysis and considering alternatives to the Project.

The Final EIR was prepared pursuant to Section 15089 of the CEQA Guidelines and includes the PDEIR, written comments received during the public comment period, responses to those comments, changes or errata and corresponding revisions to the text of the PDEIR. Per CEQA Guidelines, the Final EIR also includes a Statement of Overriding Considerations for the significant unavoidable impacts of the Project.

The Final EIR has been prepared in conformance with CEQA (Attachment 6), the CEQA Guidelines, and the City of Indian Wells’ rules for implementing CEQA to evaluate the potential environmental impacts associated with the buildout of the General Plan Update and associated Zone Map Amendment.

On January 30, 2025, the Planning Commission conducted a duly noticed public hearing to consider the Draft EIR for the Project and adopted PC Resolution No. 2025-02 recommending City Council certify the Final EIR, make the findings required by CEQA,

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adopt a statement of overriding considerations, and approve a mitigation monitoring and reporting program.

Staff recommends the City Council adopt the Resolution certifying the Final EIR (Refer to Attachment 1) adopt the "CEQA Findings of Fact" and "Statement of Overriding Considerations" (Attachment 7), which were prepared in accordance with State CEQA Guidelines sections 15091, and adopt the associated "Mitigation Monitoring and Reporting Program" (Attachment 8).

ATTACHMENTS:

1. Resolution - Final EIR
2. Resolution - General Plan Update and Zone Map Amendment
3. General Plan Update 2040
4. Ordinance – Zone Map Amendment
5. Draft EIR
6. Final EIR
7. CEQA Findings of Fact and Statement of Overriding Considerations
8. Mitigation Monitoring and Reporting Program