

ATTACHMENT #1

RESOLUTION NO. 2025-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, TO CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH #2024071208), ADOPT ENVIRONMENTAL FINDINGS, 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

WHEREAS, the City of Indian Wells (the "City") proposes a comprehensive update to the City of Indian Wells General Plan (the "Project" or the "General Plan Update"), the first comprehensive update to the City's existing General Plan since 1996 and will also adopt a Zoning Map Amendment for consistency with the proposed changes to the Land Use Map; and

WHEREAS, the General Plan Update sets the framework for the City's continued growth and progress for the next twenty years and 2040 is assumed to be the buildout year of the General Plan; and

WHEREAS, pursuant to section 21067 of the Public Resources Code, and section 15367 of the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), the City of Indian Wells is the lead agency for the proposed Project; and

WHEREAS, in accordance with CEQA and the State CEQA Guidelines, the City acting as Lead Agency, determined that a Programmatic Environmental Impact Report ("EIR") should be prepared in order to analyze any potential adverse environmental impacts that could potentially result from the adoption and implementation of the proposed General Plan Update and associated Zone Map Amendment; and

WHEREAS, in accordance with SB 18 and AB 52, the City sent notices to the list of Native American tribes provided by the Native American Heritage Commission.

WHEREAS, in accordance with State CEQA Guidelines section 15082, on July 31, 2024, the City sent to the Office of Planning and Research and each responsible and trustee agency a Notice of Preparation ("NOP") stating that an EIR (State Clearinghouse Number #2024071208) would be prepared; and

WHEREAS, eight comment letters were received in response to the NOP; and

WHEREAS, pursuant to Public Resources Code section 21083.9 and State CEQA Guidelines sections 15082(c) and 15083, the City held a duly noticed Scoping Meeting on September 12, 2024, to solicit comments on the scope of the environmental review of the proposed Project and no comments were received; and

WHEREAS, a Draft Environmental Impact Report ("Draft EIR") was prepared; and

WHEREAS, the Draft EIR concluded that the proposed Project would result in significant and unavoidable impacts relating to Agricultural Resources and Forestry Resources, Transportation, and Irreversible Effects; and

WHEREAS, in accordance with State CEQA Guidelines section 15085, a Notice of Completion was prepared and filed with the Office of Planning and Research on November 7, 2024; and

WHEREAS, as required by State CEQA Guidelines section 15087(a), the City provided Notice of Availability of the Draft EIR to the public at the same time that the City sent Notice of Completion to the Office of Planning and Research, on November 7, 2024; and

WHEREAS, during the public comment period, copies of the Draft EIR and technical appendices were available for review and inspection at City Hall, the Project website, and on the City's website; and

WHEREAS, pursuant to State CEQA Guidelines section 15087(e), the Draft EIR was circulated for at least a 45-day public review and comment period from November 7, 2024 to December 23, 2024; and

WHEREAS, during the public review and comment period, the City consulted with and requested comments from all responsible and trustee agencies, other regulatory agencies, and others pursuant to State CEQA Guidelines section 15086, and the City received 4 comment letters on the Draft EIR; and

WHEREAS, pursuant to Public Resources Code section 21092.5, the City provided copies of its responses to commenting public agencies on the Draft EIR at least ten (10) days prior to the City's Council's consideration of the Final EIR on February 13, 2025; and

WHEREAS, on January 30, 2025, the City released the Final EIR ("Final EIR"), which consists of the Draft EIR; all technical appendices prepared in support of the Draft EIR; all written comment letters received on the Draft EIR; written responses to all written comment letters received on the Draft EIR; and errata to the Draft EIR; and

WHEREAS, all of the requirements of the Public Resources Code and the State CEQA Guidelines have been satisfied by the City in connection with the preparation of the EIR, which is sufficiently detailed so that all of the potentially significant environmental effects of the Project have been adequately evaluated; and

WHEREAS, the Draft EIR prepared in connection with the Project as set forth in **Exhibit "A"** to this Resolution, attached hereto and incorporated herein, sufficiently analyzes the Project's potentially significant environmental impacts and analyzes a range of feasible alternatives capable of reducing these effects to an even lesser level of significance; and

WHEREAS, the City has prepared a Final EIR as set forth in **Exhibit "B"** to this Resolution, attached hereto and incorporated herein, based upon the oral and written evidence presented to it as a whole and the entirety of the administrative record for the Project, which are incorporated herein by reference; and

WHEREAS, the City has made certain findings of fact and a statement of overriding considerations as described in **Exhibit "C"** to this Resolution, attached hereto and incorporated herein, that determined the benefits of the Project outweigh the unavoidable significant environmental effects; and

WHEREAS, the City finds that there are effects found to have no impact on the environment as described in **Chapter III(B)** of **Exhibit C**; and

WHEREAS, the City finds that environmental impacts that are identified in the Draft EIR as less than significant and do not require mitigation are described in **Chapter III(C)** of **Exhibit C**; and

WHEREAS, the City finds that there are environmental impacts that are identified in the Draft EIR as less than significant with incorporation of mitigation measures are described in **Chapter III(D)** of **Exhibit C**; and

WHEREAS, the City finds that even with the incorporation of all feasible mitigation measures, the environmental impacts that are identified in the Draft EIR that are significant and unavoidable are described in **Chapter III(E)** of **Exhibit C**; and

WHEREAS, the cumulative impacts of the Project identified in the Draft EIR and set forth herein, are described in **Chapter F** of **Exhibit C**; and

WHEREAS, alternatives to the proposed Project that might further reduce the already less than significant environmental impacts are described in **Chapter IV** of **Exhibit C**; and

WHEREAS, the potential significant environmental and irreversible environmental changes that would result from the proposed Project identified in the Draft EIR and set forth herein, are described in **Chapter V(A)** of **Exhibit C**; and

WHEREAS, the existence of any growth-inducing impacts resulting from the proposed Project identified in the Draft EIR and set forth herein, are described in **Chapter V(B)** of **Exhibit C**; and

WHEREAS, Public Resources Code, Section 21081.6 (Assembly Bill 3180) requires that mitigation measures identified in environmental review documents prepared in accordance with California Environmental Quality Act (CEQA) are implemented after a project is approved; and

WHEREAS, The City has prepared a Mitigation Monitoring and Reporting Program (MMRP) as described in **Exhibit "D"** to this Resolution, attached hereto and incorporated herein, to ensure compliance with the mitigation measures identified in the Final EIR during implementation of buildout under the General Plan Update and Zone Map Amendment (Project); and

WHEREAS, all information in **Exhibit(s) A, B, C, and D** is based on the entire public record. The absence of any particular fact from any such description is not an indication that a particular finding is not based on that fact; and

WHEREAS, prior to taking action, the City has heard, been presented with, reviewed and considered all of the information and data in the administrative record, including but not limited to the EIR, and all oral and written evidence presented to it during all meetings and hearings; and

WHEREAS, the Final EIR reflects the independent judgment of the City and is deemed adequate for purposes of making decisions on the merits of the Project; and

WHEREAS, no comments made in the public hearings conducted by the City and no additional information submitted to the City have produced substantial new information requiring recirculation of the Draft EIR or additional environmental review of the Project under Public Resources Code section 21092.1 and State CEQA Guidelines section 15088.5. The changes that were set forth in the Errata merely clarifies, amplifies or makes insignificant changes in the Draft EIR; and

WHEREAS, 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, and adopt a statement of overriding considerations;

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIAN WELLS RESOLVES AS FOLLOWS:

SECTION 1. The Recitals above are true and correct and incorporated herein by reference as substantive findings of this Resolution.

SECTION 2. The City Council hereby finds that it has been presented with the EIR, which it has reviewed and considered, and further finds that the EIR is an accurate and objective statement of the Project's impacts that has been completed in full compliance with CEQA and the State CEQA Guidelines. The City Council finds that the EIR reflects the independent judgment and analysis of the City. The City Council declares that no evidence of new significant impacts or any new information of "substantial importance" as defined by State CEQA Guidelines section 15088.5, has been received by the City after circulation of the EIR that would require recirculation of the EIR. Therefore, the City Council hereby **CERTIFIES** the Final EIR based on the entirety of the record of proceedings.

SECTION 3. The City Council hereby **ADOPTS** the Resolution to **CERTIFY** the Final EIR attached hereto as **EXHIBIT "B"** and adopt, the "CEQA Findings of Fact" including the "Statement of Overriding Considerations" **EXHIBIT "C"**, which were prepared in accordance with State CEQA Guidelines sections 15091, and adopt the "Mitigation Monitoring and Reporting Program" **EXHIBIT "D"**, attached hereto and incorporated herein by this reference.

SECTION 4. The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at City Hall, 44950 Eldorado Drive, Indian Wells, CA. 92210. The custodian for these records is the City Clerk. This information is provided pursuant to Public Resources Code section 21081.6.

SECTION 5. This Resolution shall take effect upon adoption.

SECTION 6. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at an adjourned regular meeting held on this 13th day of February 2025.

BRUCE WHITMAN
MAYOR

CERTIFICATION FOR RESOLUTION NO. 2025-____

I, Angelica Avila, City Clerk 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 an adjourned regular meeting of the City Council of the City of Indian Wells on the 13th day of February 2025, by the following vote:

AYES:
NOES:

ATTEST:

APPROVED AS TO FORM:

ANGELICA AVILA
CITY CLERK

TODD LEISHMAN FOR
BEST BEST & KRIEGER LLP
CITY ATTORNEY

EXHIBIT "A"

**DRAFT
ENVIRONMENTAL IMPACT REPORT
(Attachment 5 to Staff Report)**

EXHIBIT "B"

**FINAL
ENVIRONMENTAL IMPACT REPORT**

(Attachment 6 to Staff Report)

EXHIBIT "C"

**CEQA
FINDINGS OF FACT
&
STATEMENT OF OVERRIDING CONSIDERATIONS
(Attachment 7 to Staff Report)**

EXHIBIT "D"

MITIGATION MONITORING AND REPORTING PROGRAM

(Attachment 8 to Staff Report)