

ATTACHMENT #4

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS AMENDING, 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, 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

WHEREAS, the City of Indian Wells, California (the "City") is a municipal corporation and charter city, duly organized under the constitution and laws of the State of California; and

WHEREAS, California Government Code section 65800 et seq. authorizes the adoption and administration of zoning laws, ordinances, rules, and regulations by cities as a means of implementing the General Plan; and

WHEREAS, the City has the authority under Article 11, Section 5 of the California Constitution and the City Charter to make, amend, and enforce all ordinances and regulations with respect to municipal affairs; and

WHEREAS, on February 1, 1996, the City adopted the General Plan which establishes the land use designations in the Land Use Map for long term build out potential; and

WHEREAS, on February 13, 2025, the City adopted a comprehensive update to the General Plan which included amendments to the Land Use Map designating certain parcels of land east of the Renaissance Hotel (633-150-077; 633-150-087) and east of the intersection at the northeast corner of HWY 111 and Miles (633-310-028; 633-310-030; 633-310-032; 633-310-034; 633-310-035; 633-310-036; 633-410-045; 633-410-051) as Resort Commercial uses; and

WHEREAS, the City desires and intends to Amend the City's official Zoning Map under ZMA 2025-01 ("ZMA") showing these parcels as Resort Commercial consistent with the updated General Plan Land Use Map (Figure CD-2) as required by the State of California; and

WHEREAS, Section 21.06020 (c)(1) of the Indian Wells Municipal Code, and California Government Code section 65854 require the Planning Commission to conduct a public hearing on zoning map amendments and make a recommendation to City Council based on the findings in Section 21.06.020 (d); and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") (California Public Resources Code §§ 21000, *et seq.*) and the State CEQA Guidelines (14 California Code of Regulations, §§15000, *et seq.*), the City prepared a Programmatic Environmental Impact Report ("EIR") to evaluate the environmental impacts associated with implementation of the Indian Wells General Plan Update and ZMA; and

WHEREAS, the City released the Public Review Draft General Plan and associated EIR on November 7, 2024 and invited comments until December 23, 2024; and

WHEREAS, on January 16, 2025, the City gave public notice of the public hearing for the proposed ZMA by publishing in a newspaper of general circulation of a Planning Commission public hearing at which the Ordinance would be considered; 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, adopt a statement of overriding considerations, and approve a mitigation monitoring and reporting program; and

WHEREAS, on January 30, 2025, the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning the proposed ZMA and adopted Resolution 2025-01 recommending City Council adopt the ZMA; and

WHEREAS, on February 13, 2025 the City Council concurrently adopted a Resolution certifying the Final EIR for the General Plan Update and ZMA, adopting the required CEQA findings, Statement of Overriding Considerations, and approving the Mitigation Monitoring and Reporting Program; and

WHEREAS, Section 21.06.020 (c)(2) of the Indian Wells Municipal Code, and California Government Code section 65854 require the City Council to conduct a public hearing on zoning map amendments and shall approve or approve in modified form the request by ordinance based on the findings in Section 21.06.020 (d); and

WHEREAS, notice of a public hearing of the City Council of the City of Indian Wells to consider this Ordinance was given in accordance with applicable law; and

WHEREAS, on February 13, 2025, a public hearing on this Ordinance was held by the City Council; and

WHEREAS, after careful consideration of the staff report and all the information, evidence, and testimony presented at its public hearing, the City Council finds that this Ordinance is consistent with General Plan goals and policies pertaining to land development, city image, orderly growth, and economic development.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA DOES ORDAIN 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. Findings. In accordance with Section 21.06.030(d) of the City of Indian Wells Zoning Code, the following findings for approving Zone Map Amendment No. 2025-01 are made:

1. The proposed Zone Change is consistent with the City of Indian Wells General Plan or any amendment approved concurrently with the Zone Change.

FACT: The proposed ZMA will rezone properties consistent with the City's General Plan land use designations which have been concurrently adopted under the associated General Plan Update (GPA 2025-01) by City Council Resolution. A Programmatic Environmental Impact Report (EIR) was also prepared in support of the General Plan Update and associated ZMA and certified by City Council Resolution, concurrent with adoption of this Ordinance. The EIR analyzed the impacts of all proposed land use designations specified in the General Plan Update. Since the proposed ZMA will be used to implement the prescribed land use designations under the City's General Plan Update, the proposed ZMA would not be detrimental to the public interest, health, safety, convenience, or welfare of the City beyond that already analyzed under the General Plan Update and associated EIR (SCH #2024071208).

2. The proposed Zone Change is consistent with the intent and objectives of this Zoning Code.

FACT: The proposed ZMA would implement the Resort Commercial land use changes under the General Plan Update consistent with the intent and objectives of Municipal Code Title 21 and Chapter 21.34. Consistent with Section 21.34.040, any future use shall require the City's discretionary approval of a Conditional Use Permit to ensure consistency with the intent and objectives of the Zoning Code. Therefore, the ZMA is deemed consistent with compatibility of use and intensity with adjacent and surrounding uses and promotes the quality image and character of the City.

3. The proposed Zone Change is consistent with any applicable area Master Development Plan or Specific Plan.

FACT: The proposed ZMA would result in amending the City's official Zoning Map to be consistent with the General Plan Land Use Map (Figure CD-2) designations adopted as part of the General Plan Update. Consistent with Section 21.34.040, future development of the affected Resort Commercial properties shall be implemented through a Conditional Use Permit to ensure consistency with any affected Master Development or Specific Plans.

4. The proposed Zone Change is in the best interests of the health, safety and welfare of the community.

FACT: The proposed ZMA would result in amending the City's official Zoning Map to be consistent with the Resort Commercial Land Use designations adopted as part of the General Plan Update. The proposed ZMA and concurrent General Plan Amendment would conditionally permit Resort Commercial uses within the affected properties, consistent with a stated goal of section 21.38.040(a) promoting development consistent with the "resort experience." Any future construction shall be required to adhere to all applicable sections of the California Building Code, California Fire Code and Municipal Code, ensuring no safety concerns resulting from construction or operational activities. Therefore, rezoning the affected properties consistent with the General Plan Land Use designations would not adversely affect the public health, safety or welfare, or materially injure surrounding properties or improvements.

5. Adequate sewer and water lines, utilities, sewage treatment capacity, drainage facilities, police protection, fire protection/emergency medical care, vehicular circulation and school facilities will be available to serve the area affected by the proposed Zone Change when development occurs.

FACT: The ZMA would simply rezone affected properties along the north side of HWY 111 east and west of Miles Avenue from Community Commercial and Open Space to Resort Commercial, to be consistent with the updated land use designations for these properties under the General Plan Update. Future development of the affected properties would be consistent with the existing Resort Commercial land uses on the contiguous properties, which have already been developed with existing roadways, utilities, drainage facilities, and served by public services. Future buildout of land use under the General Plan Update has been analyzed in the programmatic EIR, which determined adequate utilities and service capacity is available to serve the future uses. Therefore, rezoning the affected properties consistent with the General Plan land uses would not result in any capacity or service issue on existing utilities or public services.

SECTION 3. CEQA. Having considered the administrative record, the certified EIR and all written and oral evidence presented to the City Council, the Council finds that all environmental impacts of the General Plan Update have been addressed within the FEIR as set forth in the City Council Resolution certifying the FEIR and directs staff to file a Notice of Determination for ZMA under CEQA.

SECTION 4. Zone Map Amendment. The Official Zoning Map of Indian Wells is hereby amended as set forth in **Exhibit "A"** hereto and incorporated herein by reference.

SECTION 5. Custodian of Records. The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 44950 Eldorado Drive, Indian Wells, CA 92210. The custodian of these records is the City Clerk.

SECTION 6. Severability. If any section, sentence, clause, or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance and each section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 7. Effective Date. This Ordinance takes effect 30 days following its adoption.

SECTION 8. Notice of Determination. The City Council hereby directs staff to prepare, execute and file with the County Clerk and Office of Planning and Research a Notice of Determination within five working days of first reading of this Ordinance.

SECTION 9. Publication. The City Clerk shall certify to the adoption of this Ordinance. Not later than fifteen (15) days following the passage of this Ordinance, the Ordinance, or a

summary thereof, along with the names of the City Council members voting for and against the Ordinance, shall be published in a newspaper of general circulation in the City of Indian Wells.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Indian Wells, California, at an adjourned regular meeting held on the ____ day of March 2025.

BRUCE WHITMAN
MAYOR

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)ss.
CITY OF INDIAN WELLS)

CERTIFICATION FOR ORDINANCE NO. ____

I, Angelica Avila, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that Ordinance, having been regularly introduced at the meeting of February 13, 2025, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the ____ of March 2025 said ordinance was passed and adopted by the following stated vote, to wit:

AYES:
NOES:

and was thereafter on said day signed by the Mayor of the City of Indian Wells.

ATTEST:

APPROVED AS TO FORM:

ANGELICA AVILA
CITY CLERK

TODD LEISHMAN FOR
BEST BEST & KRIEGER LLP
CITY ATTORNEY

ATTACHMENT "A"

**ZONE MAP AMENDMENT
(following page)**

EXHIBIT "A" (pg 1)

EXISTING ZONING MAP

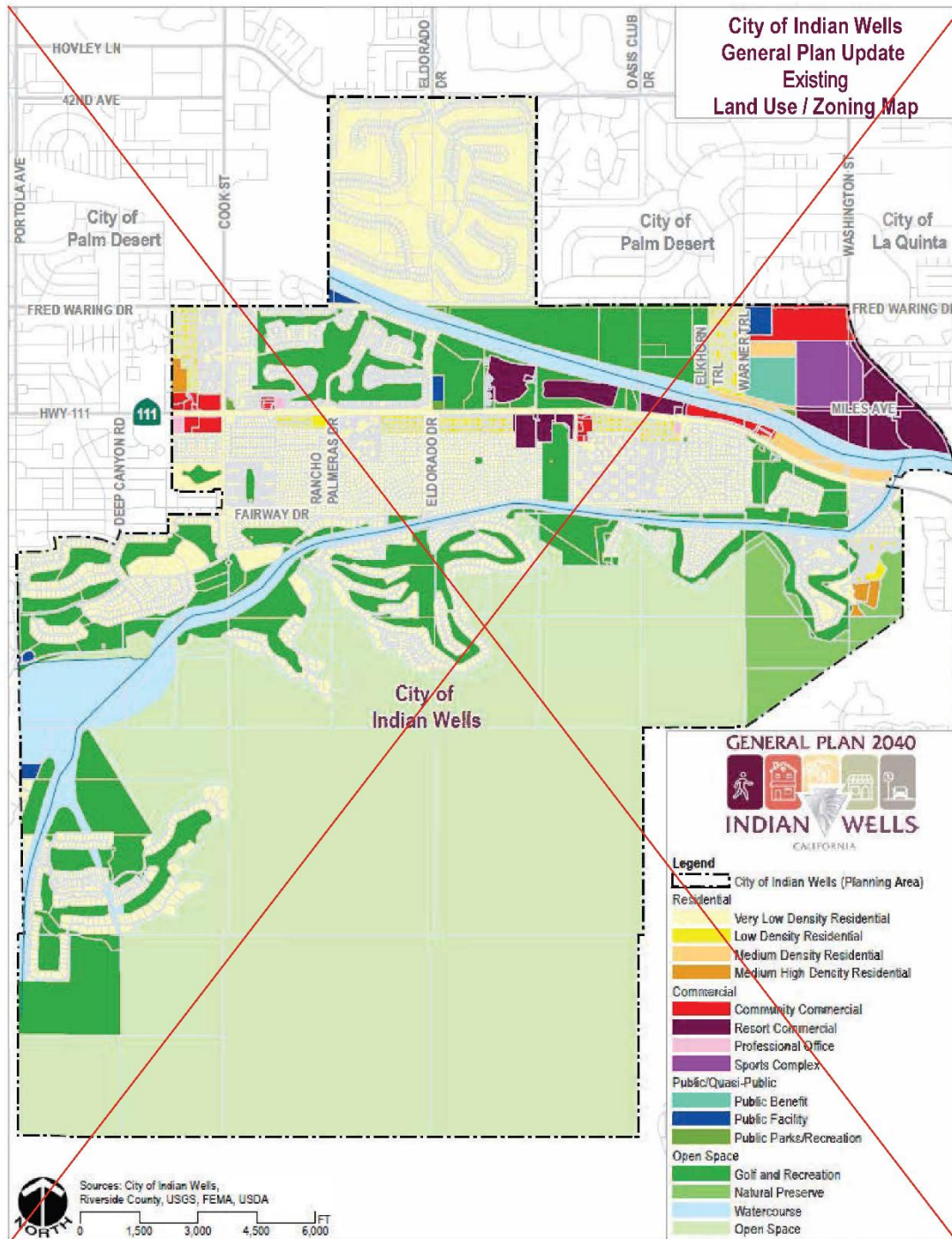


EXHIBIT "A" (pg 2)

AMENDED ZONING MAP

