

**RESOLUTION NO. PC 2023-01****A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDIAN WELLS RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN ORDINANCE AMENDING CHAPTER 21.85 OF THE CITY ZONING CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND FINDING THE ACTION TO BE EXEMPT FROM CEQA**

**WHEREAS**, the City of Indian Wells has Noticed the Public Hearing for the proposed Ordinance in accordance with Government Code Section 65090; and

**WHEREAS**, in 2022, the California Legislature approved, and the Governor signed into law, a new bill (SB 897) that amends Government Code Sections 65852.2 and 65852.22 to impose new limits on local authority's ability to regulate Accessory Dwelling Units ("ADU") and Junior Accessory Dwelling Units ("JADU"); and

**WHEREAS**, SB 897 took effect January 1, 2023, and if the City's ADU regulations did not comply with the requirements imposed by SB 897 by that date, all of the City's ADU regulations would have become null and void as a matter of law; and

**WHEREAS**, to ensure that its ADU regulations complied with SB 897, the City amended its ADU regulations by urgency ordinance on November 3, 2022; and

**WHEREAS**, state law authorizes cities to act by Ordinance to provide local objective standards for the regulation of ADUs and JADUs; and

**WHEREAS**, the City desires now to re-adopt the November 2022 amendments to its ADU regulations, with only a minor change to the timing of rental-income reporting; and

**WHEREAS**, on January 26, 2023, the Planning Commission conducted a duly Noticed Public Hearing to consider the proposed ordinance, which would amend Chapter 21.85 of the Zoning Code relating to ADUs and JADUs; and

**WHEREAS**, the Planning Commission has considered the staff report, supporting documents, public testimony, and all appropriate information that has been submitted with the proposed Ordinance.

**NOW, THEREFORE**, the Planning Commission of the City of Indian Wells does hereby resolve, determine, find, and order as follows:

**Section 1. Recitals.** The foregoing recitals are true and correct and are incorporated herein as substantive findings of this Resolution.

**Section 2. CEQA.** Under California Public Resources Code Section 21080.17, California Environmental Quality Act ("CEQA") does not apply to the adoption of an ordinance by a city or county implementing the provisions of Section 65852.2 of the

Government Code, which is California's ADU law, and which also regulates JADUs, as defined by Section 65852.22. Therefore, the proposed Ordinance is statutorily exempt from CEQA.

**Section 3. General Plan.** Based on the entire record before the Planning Commission, and all written and oral evidence presented, the Planning Commission hereby finds that the proposed Ordinance's amendments to the Zoning Code are consistent with the City's adopted General Plan.

**Section 4. Recommendation.** Based on the foregoing recitals, the Planning Commission hereby recommends that the City Council approve and adopt the proposed Ordinance and code amendments attached hereto.

**Section 5. Certification.** The Planning Commission Chair shall sign and the Community Development Director shall attest to the adoption of this Resolution.

**Section 6. Effective Date.** This Resolution takes effect immediately upon its adoption.

**PASSED, APPROVED, AND ADOPTED** by the Planning Commission of the City of Indian Wells, California, at a regular meeting held on this 26<sup>th</sup> day of January 2023.

E-SIGNED by Jim Snellenberger  
on 2023-01-30 21:43:51 GMT

**JIM SNELLENBERGER**  
**CHAIR**

**CERTIFICATION FOR RESOLUTION NO. PC 2023-01**

I, Jon Berg, Community Development Director of the City of Indian Wells, California, **DO HEREBY CERTIFY** that the Planning Commission consists of five (5) members; 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 26<sup>th</sup> day of January 2023, by the following vote:

**AYES:** Bahneman, Conway, Schleimer, Snellenberger, Welch  
**NOES:** None

**ATTEST:**

E-SIGNED by Jon Berg  
on 2023-01-30 21:44:56 GMT  
**JON BERG**  
**COMMUNITY**  
**DEVELOPMENT DIRECTOR**

**APPROVED AS TO FORM:**

E-SIGNED by Craig Hayes  
on 2023-01-30 22:03:47 GMT  
**CRAIG HAYES**  
**CITY ATTORNEY**