

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS AMENDING CHAPTER 21.85 OF THE CITY OF INDIAN WELLS MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ACTION TO BE EXEMPT FROM CEQA**

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

**WHEREAS**, state law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"); and

**WHEREAS**, in recent years, the California Legislature has approved, and the Governor has signed into law, a number of bills that, among other things, amended Government Code sections 65852.2 and 65852.22 to impose new limits on local authority to regulate ADUs and JADUs; and

**WHEREAS**, in 2022, the California Legislature approved, and the Governor signed into law, a new bill (SB 897) that further amends Government Code sections 65852.2 and 65852.22; 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**, 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.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA DOES ORDAIN AS FOLLOWS:**

**Section 1.** The recitals above are each incorporated by reference and adopted as findings by the City Council.

**Section 2.** Under California Public Resources Code section 21080.17, adoption of an ordinance 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, the California, is statutorily exempt from review under the Environmental Quality Act ("CEQA"). This Ordinance implements Section 65852.2, so adoption of this Ordinance is statutorily exempt from CEQA.

**Section 3.** Chapter 21.85 of the Indian Wells Municipal Code is hereby amended and restated to read in its entirety as provided in Exhibit A, attached hereto and incorporated herein by reference.

**Section 4.** This ordinance takes effect 30 days after its adoption.

**Section 5.** The City Clerk shall either: (a) have this ordinance published in a newspaper of general circulation within 15 days after its adoption or (b) have a summary of this ordinance published twice in a newspaper of general circulation, once five days before its adoption and again within 15 days after its adoption.

**Section 6.** The City Clerk shall submit a copy of this ordinance to the Department of Housing and Community Development within 60 days after adoption.

**Section 7.** The City Council hereby directs staff to prepare, execute and file with the County Clerk a Notice of Exemption within five working days of first reading of this ordinance.

**Section 8.** If any provision of this ordinance or its application to any person or circumstance is held to be invalid, such invalidity has no effect on the other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this resolution are severable. The City Council declares that it would have adopted this resolution irrespective of the invalidity of any portion thereof.

(Continues on next page)

**PASSED, APPROVED AND ADOPTED** by the City Council of Indian Wells, California, at a regular meeting of the City Council held on the \_\_\_\_ day of \_\_\_\_, 2023.

\_\_\_\_\_  
**DONNA GRIFFITH**  
**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 No. \_\_\_\_, having been introduced at a regular meeting of the City Council on February 16 2023, was again introduced, the reading in full thereafter unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the \_\_\_\_ day of \_\_\_\_, 2023 and 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 said City of Indian Wells.

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**ANGELICA AVILA**  
**CITY CLERK**

\_\_\_\_\_  
**TODD LEISHMAN**  
**CITY ATTORNEY**

**EXHIBIT A**

**Amended ADU Regulations**

(follows this page)