ORDINANCE NO. 727

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, AMENDING THE INDIAN WELLS MUNICIPAL CODE TO ESTABLISH ADDITIONAL PURPOSE AND PROCEDURES FOR THE PLANNING COMMISSION, DISSOLVE THE ARCHITECTURE AND LANDSCAPE DESIGN REVIEW COMMITTEE (ALC), AND APPOINT THE TWO REMAINING ALC MEMBERS TO PLANNING COMMISSION TO COMPLETE THEIR TERMS

WHEREAS, the City of Indian Wells (the "City") established the Architecture and Landscape Committee ("ALC") in 1993 to ensure that the general appearance of structures, buildings, and other constructed objects outside of established Homeowner Association ("HOA") boundaries are compatible with existing standards; and

WHEREAS, beginning in 2017 the Committee has experienced annual decreases in application submittals; and

WHEREAS, the City desires to streamline the development-review process by reducing the application-processing time of design-review and land-use approvals, providing cost-saving incentives for potential developers, and eliminating paper waste; and

WHEREAS, to further streamline the development-review process, the City desires to dissolve the existing ALC and delegate its functions to the Planning Commission and to a new Design Review Committee ("DRC") subcommittee of the Planning Commission, established by this Ordinance; and

WHEREAS, the City desires to temporarily expand the membership of the Planning Commission to include the two ALC members whose terms of service on the ALC have not yet expired; and

WHEREAS, the delegation of the ALC’s functions to the Planning Commission and DRC eliminates the two-tier design-review process by reducing duplicated efforts for design and lighting standard approvals.

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

SECTION 1. Sections 2.12.020 and 2.12.030 of Chapter 2.12 of the Indian Wells Municipal Code are amended to read in their entirety as follows:

"2.12.020 Functions of the Planning Commission.
The Planning Commission has the following responsibilities:

(a) General Plan. Periodically review and recommend to the City Council revisions of the General Plan.
(b) Specific Plans. Recommend to the City Council such specific plans as may be necessary or desirable to carry out the objectives of the General Plan."
(c) Regulations, Programs, and Legislation. Recommend to the City Council drafts of regulations, programs and legislation as the Commission deems necessary or appropriate for the systematic execution of the General Plan.

(d) Subdivision Map Act and CEQA. Act as the advisory agency to the City Council in connection with the administration of the Subdivision Map Act (Gov. Code § 66410 et seq.) and the California Environmental Quality Act of 1970 ("CEQA") (Pub. Res. Code § 21000 et seq.).

(e) Zoning, Conditional Use and Variance Applications. Review all zoning (except interim zoning), conditional use, and variance applications and make recommendations with regard to the same to the City Council.

(f) Sign Matters. Review and approve sign matters as specified by this Code.

(g) City’s Capital Improvement Plan. Annually review the City’s Capital Improvement Program for consistency with the General Plan.

(h) Design Review. Review a design-review application for compliance with Chapter 21.60 when the application is referred to the Commission by the Community Development Director or the Design Review Committee.

(i) Other. Perform such other functions, duties and responsibilities as are specifically provided for in the Code of the State and the Code of the City, and such other duties and functions as may be specifically requested by the City Council.

(j) Design Review Committee Appointment. Appoint members to the Design Review Committee for review of design-review applications for compliance with chapter 21.60.

2.12.030 Membership of the Planning Commission.

(a) Appointment and Term.

(1) Generally. The Planning Commission shall consist of five (5) members who shall be registered voters within the City and who shall be appointed by the City Council. The term of the office for members of the Commission shall be a staggered term of office with terms of two (2) years overlapping, and commencing on July 1st of the applicable year and continuing until the second June 30th that follows. The members shall serve for said term, and until their successors have been appointed. All appointments to the Commission shall be by three (3) affirmative votes of the City Council and any appointment to fill a vacancy shall be for the unexpired term of the member being replaced.

(2) From and after the effective date of the ordinance adding this paragraph, and lasting until no later than June 30, 2021, the Planning Commission shall consist of eight (8) members, due to the addition of two Architecture and Landscape Committee (ALC) members and one additional member, whose terms will each expire on June 30, 2021. The Planning Commission shall return to consisting of five (5) members through the expiration of those three members’ terms on June 30, 2021, or before that date through any vacation of their offices, whichever comes first.

(b) Term Limits. Appointees are limited to two (2) consecutive two (2) year terms of membership on the Planning Commission, including a partial term. An appointee may not be reappointed to the Planning Commission after completion of two (2) consecutive terms, including a partial term. After serving a maximum of two (2) consecutive two (2) year terms (including a partial term), an appointee shall not be reappointed to the Planning Commission unless at least one (1) year has elapsed between the expired term limit and the effective date of commencement of the new term. Notwithstanding any provision to the contrary, an appointee shall not be precluded at any time following
completion of service on the Planning Commission from being appointed to another commission, board or committee without the lapse of time between appointments. Term limits will be applied prospectively, commencing with appointments made on or after January 1, 2009.

(c) Attendance Requirements and Conditions of Removal. Any member of the Commission may be removed during the term of office by the affirmative vote of three (3) members of the City Council. Attendance at all Commission meetings is an obligation of each member of the Commission. If a member of the Commission is absent without Commission permission from all regular Commission meetings for ninety-five (95) days consecutively from the last regular meeting that the member of the Commission attended, that member’s seat shall be deemed vacant and the City Council shall appoint a new member for that seat. The Commission in its by-laws shall adopt a procedure for a member to obtain Commission permission to be absent.”

SECTION 2. Chapter 21.60 Architecture and Landscape Review of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"21.60.010 Purpose

(a) The intent of Architecture and Landscape Review is to ensure that the general appearance of structures, buildings and other constructed and erected objects is compatible with the existing built and landscaped environment and to ensure harmony between the structure and landscape.
(b) It is not the purpose and intent of this chapter to inhibit or direct the particular architectural or landscape design, or to specify the exterior detail, design, color, or materials proposed by the applicant, except as required to help ensure compatibility with the character and standards of the surrounding neighborhood and the City in general.

21.60.020 Applicability and Review Authority

(a) This chapter applies to the following activities:
(1) Obtaining a permit to construct a building or structure in any zone;
(2) Undertaking any external modification to a structure visible to any roadway or open space, public or private;
(3) Installing new landscape adjacent to a roadway or open space, public or private;
(4) Replacing or modifying existing hardscape or landscape in a yard which abuts a roadway or open space, public or private in excess of 2,500 square feet;
(5) Installing new or modifying an existing antenna, outdoor lighting, landscape lighting, private tennis court, emergency generators greater than fifteen thousand (15,000) kilowatts; and
(6) Minor exterior remodel of or addition to a single-family residence, such as:
   (i) a window or door change-out,
   (ii) a change of exterior house color (desert tones are preferred),
   (iii) a wall, fence, planter, fountain, or similar architectural amenity,
   (iv) re-roofing,
   (v) a patio cover,
   (vi) solar panels,
   (vii) an addition in the rear or side yard that is not visible to any roadway or open space area, public or private, and
   (viii) front-yard landscape improvements that affect less than 2,500 square feet.
(b) Before commencing any of the activities listed in subsection (a) above, the owner of the property must submit a design-review application to the Planning Department, to ensure compliance with the provisions of this chapter, as well as with the basic zoning and other design parameters that are specified in the Zoning Code.

(1) For purposes of this chapter, the Planning Department, DRC, or the Planning Commission is the "Review Authority" when making the initial decision about an application.

(2) If an application is consistent with all the requirements of the Zoning Code:
   (i) Planning Department Review.
       (A) The Planning Department is generally the Review Authority for the following:
           • an application under subsection (a)(6) above, or
           • an application for a property located in an area with an active Homeowner's Association, and the complete design-review application has been reviewed and approved by the Association.
       (B) However, the Community Development Director may refer the application to the Design Review Committee ("DRC") or directly to the Planning Commission as the Review Authority.
   (ii) DRC Review. The DRC is generally the Review Authority for an application under any of subsections (a)(1) through (a)(5) above, but any member of the DRC may refer the application to the Planning Commission as the Review Authority.

(3) If an application is inconsistent with any requirement of the Zoning Code, the Planning Commission is the Review Authority.

21.60.025 Design Review Committee
(a) The City hereby establishes a Design Review Committee ("DRC") as a subcommittee of the Planning Commission.
(b) The DRC consists of two Planning Commissioners and the Community Development Director.
(c) The two Planning Commissioners are appointed by the Planning Commission annually.
(d) The DRC meets on an as-needed basis to review applications for minor remodels or additions in accordance with subsection 21.06.020(b) above. DRC meetings are public meetings, and public notice is posted 72 hours before the meeting as required by law.

21.60.030 Appeal process
Any design-review decision made by the Design Review Committee ("DRC") may be appealed to the Planning Commission within 15 days from the date of decision. The Planning Commission shall consider the matter and affirm, reverse, or modify the DRC decision. A decision of the Planning Commission may be appealed to the City Council in accordance with the requirements of Section 21.06.110.

21.60.040 Review procedure
The following procedure shall be followed for review of design-review applications.
(a) Submission of Application. The applicant shall submit a complete design-review application to the Planning Department before it may be considered for review by the Review Authority (as defined by subsection 21.60.020(b)(1)). After submission to the
Planning Department, the Department will assign a case number to the application and forward the application to the Building and Safety Department if necessary.

(b) Individual Review. Each design-review application shall be reviewed individually. The Review Authority shall review each application and issue a written decision for the application indicating approval, conditional approval, or denial.

(c) Compliance with City Requirements. All design-review applications presented for review shall comply with the basic zoning and design parameters set forth in the Zoning Code and applicable design guidelines established by the City.

(d) Incomplete Applications. Submittal applications that are incomplete will be returned by the Planning Department prior to review of the application for compliance with the provisions of this chapter and with the basic zoning and other design parameters that are specified in the Zoning Code.

(e) Approval of Application. Working drawings can be submitted to the Building Department, and building permits can be secured, only after approval of the design-review application by the Review Authority. A certificate of occupancy may only be issued when the City verifies that the completed construction complies with the approved design-review application and all other applicable laws and regulations.

21.60.070 Considerations in review of applications.

The Review Authority (as defined by subsection 21.60.020(b)(1)), shall consider the following matters, in addition to all applicable laws and regulations in reviewing applications:

(a) Traffic Safety and Traffic Congestion.

(1) The effect of the site development plan on traffic conditions on abutting streets;

(2) The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exists, drives and walkways;

(3) The arrangement and adequacy of off-street parking facilities to prevent traffic congestion;

(4) The location, arrangement and dimensions of truck loading and unloading facilities;

(5) The circulation patterns within the boundaries of the development; and

(6) The surfacing and lighting of off-street parking facilities.

(b) Landscaping.

(1) The location, height and materials of walls, fences, hedges and screen plantings to insure open appearance and safety of driving along streets, harmony with adjacent development, or to conceal storage areas, utility installations, antennas, private tennis courts, refuse containers, emergency generators, service yards, or other unsightly development;

(2) The planting of other shrubs and landscaping or the use of other landscaping for beautification, enhancement, visual relief or screening, to establish and maintain a high-grade development and the character of the City;

(3) The planting of ground cover or other surfacing to prevent dust and erosion;

(4) The unnecessary destruction of existing healthy trees;

(5) Type and efficiency of irrigation system;

(6) Amount of open space; and

(7) Use of native and other drought-tolerant landscaping.

(c) Buildings and Site Layout.

(1) Consideration of the general silhouette and mass, including location on the site, elevations and relation to natural plant coverage, all in relationship to the neighborhood;
(2) Consideration of exterior design in relation to adjoining structures in height, bulk and area openings, breaks in the facade facing the street, line and pitch of roof, screening of mechanical equipment from view, and arrangement of structure on the parcel;

(3) Consideration of adequate usable outdoor living space for each dwelling unit occupying or to occupy the site;

(4) Consideration of the size and shape of the building site and lot; and

(5) Lighting and its compatibility with adjacent land uses and roadways.

(d) Site Design. Consideration of the arrangement, location and screening of driveways, storage areas, utility installations, antennas, private tennis courts, refuse containers, emergency generators, service yards or other auxiliary household equipment and accessory structures or uses and its compatibility with adjacent land uses.

(e) Drainage. The effect of the site development plan on the adequacy of the storm and surface water drainage.

21.60.080 Filing of the application.

A complete design-review application shall include the items listed below. Submissions that are incomplete will not be considered. The Planning Department or Review Authority (as defined by subsection 21.60.020(b)(1)) may require additional information for a particular application. Design guidelines established by the City, or if applicable, a Homeowners Association’s Architectural Guidelines should be consulted prior to submission of the application. A complete application must include each of the following:

(a) Application to Construct Form. A completed “Application to Construct” form which can be obtained from the City.

(b) Required Plans (electronic copies preferred). Two (2) sets of 24” x 36” or 30” x 42” blueprints or blacklines, along with one (1) rendered blackline each of the residence, elevations indicating landscape, landscape plan, and other data pertinent to the particular application. Rendered blacklines shall be rolled, not folded. Defaced, incomplete, indefinite or faded plans will not be accepted. All residential plans and elevations shall be drawn at a minimum scale of 1/8” = 1’-0.” For single family residential submittals, a set of plans shall consist of the items listed below. Requirements for multi-family residential and non-residential projects shall include information necessary to evaluate the proposed project as determined by the Director of Community Development.

(1) General Information Block:
   (i) Owner and designer’s names;
   (ii) Address of owner;
   (iii) Telephone number of owner;
   (iv) Assessor parcel number and address of residence;
   (v) North point, date of drawing and scale; and
   (vi) Veiocity map showing location of project.

(2) Site Plan:
   (i) Legal description (lot and tract);
   (ii) Lot size (dimension along each property line);
   (iii) Zone classification and type of development of subject property and of all adjacent property, including across any street. Show distance of structure(s) on adjacent properties that are within ten (10) feet of project property line;
(iv) Setback of existing and proposed buildings in relation to property lines per standards of the zone;
(v) Locations of swimming pools, spas, air conditioner equipment, pool and spa equipment (i.e., heater, pump), storage areas, utility installations, antenna, tennis courts, refuse storage areas and other auxiliary household equipment shall be noted on site plans;
(vi) Computed areas of building coverage, impervious surfaces, landscaping, and open space;
(vii) Dimension of property lines or boundary lines of project;
(viii) Location, names and widths of boundary streets; and recorded road, utility or drainage easements on property (where none exists, indicate by a note that no easement exists);
(ix) Elevation of existing curb and gutter where available or edge of pavement where no curb exists;
(x) Pad grade and finish-floor elevations; provide information on adjacent parcels if available;
(xi) Heights of existing or proposed walls and fences, as measured from exterior side of wall (side facing street or adjacent property);
(xii) (xii) A “line of sight” section for all in-fill construction;
(xiii) Clear delineation of all proposed driveways subject to the criteria outlined under Section 21.20.080; and
(xiv) For all large-scale development (10 acres or larger), the inclusion of natural open space areas to provide habitat for native wildlife.
(xv) NOTE: All site plans must include sufficient information to demonstrate compliance with all applicable development standards in the Zoning Code.

(3) Floor Plan. Square footage of living space and location, size, and use of all rooms. Show all significant dimensions.

(4) Elevations:
(i) Provide all elevations identified as front, rear, right and left side;
(ii) Show locations of doors, windows, chimneys, etc.;
(iii) Show exterior finishes and roof material;
(iv) Dimension elevation from pad grade, indicate all significant vertical dimensions; and
(v) Show all proposed plant material (trees and shrubs) against elevations. Provide as separate set of elevations.

(5) Roof Plan. Only thirty (30) percent of the total roof area may exceed fifteen (15) feet in height, up to a maximum eighteen (18) feet. Identify that portion of the total roof area that exceeds fifteen (15) feet in height. Show percent calculation on plan.

(6) Mailbox Design per United States Postal Service requirements. Provide a minimum ½” = 1’0” scale mailbox design not to exceed four (4) feet in height and eighteen (18) inches in width or depth.

(7) Landscape Plans:
(i) Complete Plan. Show size, location, spacing and species — common and Latin names — of proposed planting, including a complete plant palette;
(ii) Miscellaneous Outside Structures. Indicate all proposed pools, spas, fountains, concrete or wooden decks, planters, walkways, gates, low walls, etc. Also indicate proposed finishes for all flat work;
(iii) Rock or Bare Earth. Use of rocks or bare earth in lieu of ground cover plantings may not exceed twenty (20) percent of the total front yard landscaped area (fifty (50) percent of rear yard) excluding driveways, decks, pools, or walkways. When walkways, pools, or deck areas exceed sixty (60) percent of the total rear yard area, the preceding limitation shall not be in effect;

(iv) Landscape Standards. All residential structures shall be landscaped to provide a mature appearance so as to blend with existing neighborhoods and enhance the overall appearance of the residential areas. To ensure a "mature" look within a reasonable amount of time, the following minimum plant sizes shall be used:

(A) Trees in All Areas: Canopy trees (African Sumacs, Carobs, etc.) – twenty-four (24) inch box; and palm trees (Mexican Fan Palm, Queen Palm, etc.) – six (6) foot trunk height.

(B) Shrubs: Shrubs (Natal Plum, Hibiscus, etc.) and vines (Carolina Jasmine, Bougainvillea, etc.) in front and rear yard areas visible from a street or golf course (public or private):
   - Thirty (30) percent or more of plants selected should be fifteen (15) gallon plants.
   - Fifty (50) percent or more of plants selected should be five (5) gallon plants.
   - Up to twenty (20) of plants selected should be one (1) gallon plants.

(C) Groundcovers. Groundcovers (Star Jasmine, Verbena, Lippa, Mock Strawberry, etc.) in front and rear yard areas visible from a street or golf course (public or private):
   - Twenty-five (25) percent or more of plants selected should be one (1) gallon plants planted at twenty-four (24) inches on center.
   - Fifty (50) percent or more of plants selected should be flats planted at twelve (12) inches on center.
   - Up to twenty-five (25) percent or more of plants selected should be flats planted at six (6) inches on center.

(v) Plant Selection. Plants should be selected appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the site. Plants having similar water use shall be grouped together in distinct hydrozones.

(vi) Required Trees. Front yard landscaping shall include a minimum of two (2) twenty-four (24) inch box trees or one (1) thirty-six (36) inch box tree. Palm trees shall be counted toward this minimum if eight (8) feet or higher. Corner lots shall have this minimum number and size of trees on each frontage. Trees existing on the site at the time of construction shall not be counted toward the minimum tree installation.

(vii) Provide elevation(s) (as described in subsection (b)(4) of this section) with all proposed landscaping delineated.

(viii) All landscape plans shall incorporate a reasonable percentage of native trees and shrubs, to provide habitat for wildlife and reduce irrigation requirements.
There are several common plant species which are capable of harboring diseases or insects that threaten the Coachella Valley citrus, date, grape, vegetable or field crop industry. The applicant must contact the Agricultural Commissioner's office for information regarding landscape material or quarantine laws.

NOTE: Review of design packages containing landscape plans not prepared by a California licensed landscape architect will be subject to additional review fees incurred by the City for the review of such plans by professional design consultants.

Conceptual Lighting Plan. Plan shall be submitted delineating size, location, light spread, illuminating capacity (candle power) and hours of operation of proposed exterior lighting.

Materials Sample and Color Board. (Maximum size 8 ½” x 14”): Sample of materials should be kept to a minimum size; include exterior finishes of residence including door and window trim colors, and garden walls, along with exterior colors. (Desert tone colors are preferred.)

Fee. An application fee in an amount published by the Planning Department is required for review of design packages.

21.60.090 Conditions.
The Review Authority (as defined by subsection 21.60.020(b)(1)) may include such conditions as are consistent with the intent and purposes of this chapter, as the Review Authority deems reasonable and necessary.

21.60.100 Time limitations on Architecture and Landscape review approval.
(a) Extension.
(1) If construction in accordance with the permit for any development for which the design-review application approval has been granted has not been commenced within one (1) year from the date of notification of approval of the application, the design-review approval automatically lapses and becomes void.

(2) The Community Development Director may extend the design-review approval time limit by up to 90 days, following the review and consideration of an application for an extension. The Director may approve, approve with conditions, or deny the application for an extension. To approve an extension, the Director must find that the extension is justified and not detrimental to the public safety and welfare.

(b) If design review approval lapses, all activity authorized by the design-review approval shall cease. The owner may file a new design-review application under this chapter.

21.60.110 Modifications.
(a) Upon request of the applicant, modifications to an approved plan or design may be considered by the Review Authority (as defined by subsection 21.60.020(b)(1)).
(1) An application for approval of a modification shall consist of those items necessary to permit the Review Authority to adequately review the application and render a finding. Submittal requirements may include such items as revised site plans, elevations, photographs showing existing site conditions or any additional information as deemed necessary by the Planning Department or Review Authority. At the discretion of the Director of Community Development, a new application fee may be required to review the proposal.
(2) In reviewing requested modifications, the Review Authority shall determine if the requested modifications are consistent with the purpose and intent of this chapter and with the general objectives of the Zoning Code and shall give or withhold approval accordingly.

(b) Any removal or remodeling of existing landscaping requiring plan approval pursuant to Section 21.60.020, shall be required to conform to all current City codes and landscape standards.

21.60.120 Revocation and Violation — Action.

(a) If an approved project violates any provisions of this chapter or other part of the Zoning Code, or if it fails to comply with any condition or requirement of the Review Authority’s approval under this chapter, the design-review approval shall be referred to the Review Authority for modification or revocation.

(b) The Community Development Director shall notify the applicant, or applicant’s successor-in-interest of the referral of the matter to the Review Authority and of the date and time of the Review Authority meeting when the matter will be discussed, if applicable. If the Review Authority determines that a condition or requirement is not being complied with, the Review Authority may modify, direct other action to ensure compliance, or revoke the approval. The modification or revocation of a design-review approval by the Design Review Committee (“DRC”) as the Review Authority may be appealed by filing an application in writing to the Planning Commission within fifteen (15) days from date of notification of action. The modification or revocation of a design approval by the Planning Commission as the Review Authority may be appealed by filing an application in writing to the City Council within fifteen (15) days from date of notification of action in accordance with the requirements of Section 21.06.110.

(c) The body hearing an appeal under this section shall consider the matter and affirm, reverse, or modify the Review Authority’s decision. If the body hearing the appeal is the Planning Commission, the Commission’s decision may in turn be appealed to the City Council in accordance with the requirements of Section 21.06.110.

(d) In addition to other remedies for violation of City ordinances that are available to the City, the City may bring and maintain any action permitted by law to restrain, correct, or abate any violation of this chapter and in the event that legal action is brought by the City, reasonable attorney’s fees and court costs shall be awarded to the City and shall constitute a debt owing by the violator to the City. The City may place a lien on the affected property in the event any debts so incurred are not timely paid.”

SECTION 3. Section 21.70.060 of Chapter 21.70 Water Efficient Landscaping of the Indian Wells Municipal Code is amended to read in its entirety as follows:

“21.70.060 Appeals.
Any decision made by the City Manager or the Community Development Director regarding the implementation of this chapter may be appealed in accordance with Section 21.60.030.”

SECTION 4. Section 22.04.070 of Chapter 22.04 Hillside Management of the Indian Wells Municipal Code is repealed. Section 22.04.075 of Chapter 22.04 Hillside Management of the Indian Wells Municipal Code is amended to read in its entirety as follows:

“22.04.075 Additional submission requirements.”
In addition to those submittal requirements required in Chapter 21.60 Architecture and Landscape Review, an accurate architectural rendering or scale model showing just how the completed structures and lot (house, accessory structure, roads, etc.) will appear after all construction is completed, including landscaping, shall be submitted for review and approval in accordance with 21.60.20.

SECTION 5. Section 22.12.050 of Chapter 22.12 Lighting Standards of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"22.12.050 Lighting standards and submission of plans and evidence of compliance. Lamp source and shielding of light emissions for outdoor light fixtures shall be subject to the following requirements, which shall be sufficiently complete to enable the City to readily determine whether compliance with the requirements of this chapter will be secured.

(a) Commercial and Business Activities. All new development in Community Commercial (CC), Resort Commercial (RC), and Office Professional (OP) zone designations shall have an exterior lighting plan prepared by an engineer registered in the State of California and submitted to the Community Development Director or his or her designee for review and approval prior to the installation of any luminaire.

(1) Required Objectives of Exterior Lighting Plan. The plan shall achieve the following objectives:

(i) Avoid interference with reasonable use of adjoining properties;
(ii) Minimize on-site and off-site glare;
(iii) Provide adequate on-site operational and security lighting;
(iv) Limit luminaires' height to avoid excessive illumination; and
(v) Provide structures which are compatible with the total design of the proposed facility.

(2) Required Elements of Exterior Lighting Plan. The plan shall include the following elements:

(i) A photometric display indicating the point by point candle layout to extend ten (10) feet beyond all property lines.

(ii) Maximum overall height of any luminaire shall not be more than fourteen (14) feet in or adjacent to residential areas and not more than eighteen (18) feet in non-residential areas.

(iii) Luminaire shall possess sharp cut-off qualities at property lines.

(iv) There shall be no more than a seven to one (7:1) ratio of level of illumination shown (maximum to minimum ratio between any two (2) points).

(v) There shall be no mercury vapor or halide lighting fixtures.

(vi) There shall be a minimum of one (1) foot-candle illumination.

(vii) Operation of any lighting other than security lighting beyond normal business hours is prohibited.

(b) Residential Units. All new development located in a residential zone designation shall submit a lighting plan to the Planning Department for review and approval in accordance to Chapter 21.60 of this Municipal Code. The application for a design-review approval involving non-exempt outdoor light fixtures shall include evidence that the proposed work will comply with this chapter.

(1) Required Information for Lighting Plan. The submission shall contain, but not be limited to, the following:
The location of the site where the outdoor light fixtures will be installed;
Plans indicating the location and type of fixtures on the premises; and
A description of the outdoor light fixtures, including, but not limited to, manufacturer's catalog cuts and drawings, height from pad grade, method of full or partial shielding, etc.

(2) Requirement for Completion. The above required plans and descriptions shall be sufficiently complete to enable the City to readily determine whether compliance with the requirements of this chapter will be secured.

(c) Additional Standards. When lighting is “Allowed” by this chapter, it must be fully shielded where feasible and partially shielded in all other cases. All outside lighting shall be so arranged and shielded as to prevent any glare or reflection and any nuisance or hazardous interference of any kind on adjoining streets or property.

(1) Tree-Mounted Lights. Tree-mounted lighting shall be permitted within the public right-of-way or any commercial or residential land use zone of the City, upon compliance with the following minimum standards:

(i) Maximum overall height of any tree-mounted luminaire shall not be more than twelve (12) feet from the ground surface. No more than one (1) luminaire per tree shall be permitted. A tree-mounted luminaire shall be only permitted for the up-lighting of a tree crown or canopy.

(ii) Any tree-mounted luminaire (including electrical conduit) shall be painted to match the tree trunk on which it is erected.

(iii) Any tree-mounted luminaire shall be fully shielded and positioned in such a manner as to avoid interference with reasonable use of adjoining properties and minimize on-site and off-site glare.

(iv) All tree-mounted luminaires (including electrical conduit) must be kept in "good condition" at all times. Chipped or faded paint exposed wiring, broken or unsecured conduit mounts or broken luminaire (housing or lens) does not constitute "good condition.

(2) No lighting for tennis courts owned by individuals for their own use is permitted.

(3) For residential units, string lighting may be installed as long as the permanent manner of installation is an integral part of the overall design and approved by the Review Authority under Chapter 21.60. The lamps or bulbs must not be flashing unless they are temporary "Holiday Decorations." Refer to Sections 22.12.060(d) and 22.12.070(d)."

SECTION 6. CEQA. The City Council FINDS that the adoption of this Ordinance is not subject to the California Environmental Quality Act (CEQA) because the Ordinance is not a CEQA "project" pursuant to State CEQA Guidelines section 15378(b)(5), which provides that organizational and administrative activities of governments that will not result in physical environmental impacts are not CEQA projects. Here, the Ordinance reorganizes governmental functions by consolidate the ALC's functions with those of the City Planning Commission to eliminate the two-tier application review process and allow more efficiency in commercial and residential architecture and land use approvals. In the event the Ordinance is considered a project under CEQA, the City Council finds that State CEQA Guidelines section 15061(b)(3) exempts those activities for which it can be seen with certainty that there is no potential to result in significant environmental effects. The Ordinance has no potential to result in physical change to the environment, directly or indirectly, as the Ordinance sets forth the responsibilities of the Planning Commission and does not propose nor authorize any action that would have the
potential to cause a physical change in the environment, directly or indirectly. Further, as the Ordinance involves a change in the organization of the City such that the ALC's functions have been consolidated with those of the Planning Commission, the Ordinance is also categorically exempt from CEQA under State CEQA Guidelines section 15320 regarding changes in organization of local agencies.

The City Council DIRECTS staff to file a notice of exemption within five days of the adoption of this Ordinance.

SECTION 7. Conflicts. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 8. Publication. The City Clerk shall certify to the adoption of this ordinance and cause it, or a summary of it, to be published on the City's website and published once in a newspaper of general circulation published and circulated within the City.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at an adjourned regular meeting held on the 23rd day of July 2020.

TY PEABODY
MAYOR

STATE OF CALIFORNIA
COUNTY OF RIVERSIDE
CITY OF INDIAN WELLS

CERTIFICATION FOR ORDINANCE NO. 727

I, Anna Grandys, City Clerk of the City Council of the City of Indian Wells, California, DO HEREBY CERTIFY that Ordinance No. 727, having been introduced at a regular meeting of the City Council on June 18, 2020, was again introduced, the reading in full thereafter unanimously waived, and duly passed and adopted at an adjourned regular meeting of the City Council held on the 23rd day of July, 2020 and said Ordinance was passed and adopted by the following stated vote, to wit:

AYES: Balocco, Mertens, Muzik, Peabody, Reed
NOES: None

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

ATTEST:               APPROVED AS TO FORM:

[Signature]
ANNA GRANDYS               JEFFREY S. BALLINGER
CITY CLERK               CITY ATTORNEY