

City of Palm Desert
Community Development / Planning Department
**Development and Permit Review Procedures and
Guidelines**

2014

Development and Permit Review Procedures and Guidelines

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Development and Permit Review Procedures and Guidelines

I. Introduction

The Community Development/Planning Department (“Planning”) is charged with implementing the goals and policies of the community set forth in the City of Palm Desert General Plan and Zoning Ordinance. Planning is responsible for reviewing any proposed new development and modifications to private property to ensure consistency with the City’s standards and policies relating to land use and preservation of the environment.

This Development Review Procedures and Guidelines is a tool designed to:

- Illustrate and describe the development and permit processes to residents, the business community, applicants, and staff; and
- Clarify standards and procedures for submission of timely and relevant information for development approval; and
- Provide a written process to illustrate the development and permitting processes in the City of Palm Desert.

This document describes, in detail, the typical permit processes for physical improvements to private property. Each process description includes a step-by-step timeline and matching graphic flowchart.

Each property within the City of Palm Desert is unique and development approvals are based on the underlying zoning district. Special conditions are added that conform to the goals and objectives of the General Plan and Zoning Ordinance.

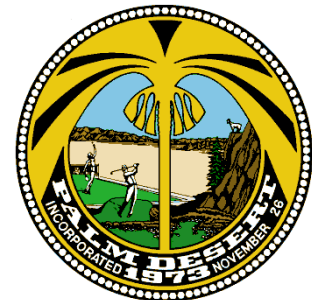


Community Development/Planning:

73-510 Fred Waring Drive
Palm Desert, CA 92260
Phone: 760-346-0611
Fax: 760-776-6417
Hours: 8:00 a.m. - 5:00 p.m. Monday thru Friday
Closed major holidays

Zoning Ordinance:

www.qcode.us/codes/palmdesert/view.php?topic=25



II. Pre-Development Permit Plan Review Process

1. Preliminary Planning Consultation:

Any proposed construction, interior remodel, expansion, paint color modification, landscaping modification, and/or any other improvements to physical property, requires review by a Planning staff member. This allows staff to advise on conformity with the General Plan, Zoning Ordinance, land uses, site development standards, building-design and landscaping criteria, and the permit process for review and approval. **To obtain the most complete information, preliminary plans and a project description should be presented to staff.**

Based on the Preliminary Planning Consultation, a staff member will determine the type of permit process required for plan review and approval and whether or not:

- the proposed use is allowed in the property's underlying zoning; and
- the proposed construction complies with the Zoning Ordinance's development standards

2. Threshold Decision:

Planning staff will review the proposed improvements and after a preliminary consultation, determine which of three (3) permit processes the project will fall into. The types of permit processes are:

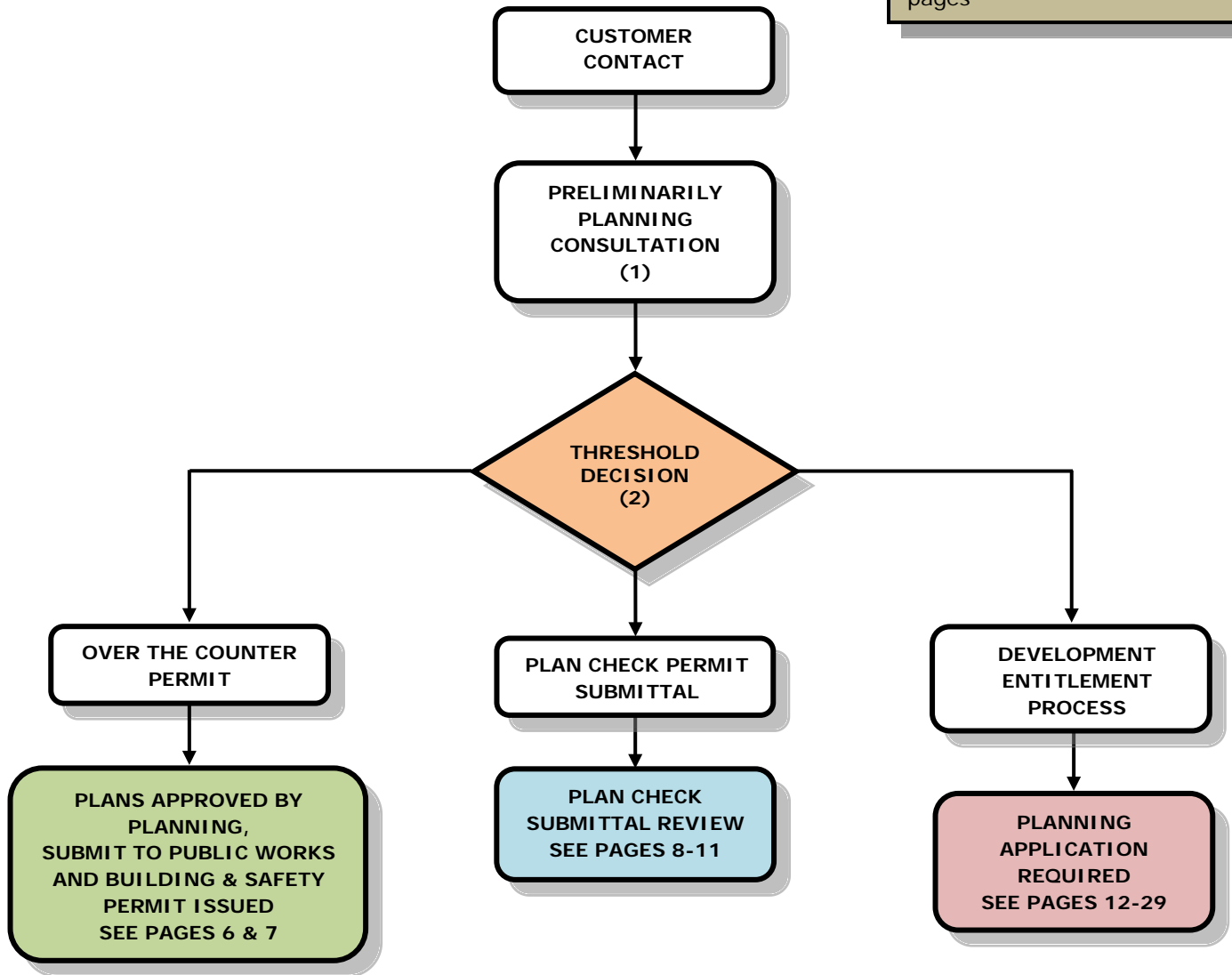
- Over-the-Counter Permits
- Plan Check Permit Submittal
- Development Entitlement Process

The following flowchart illustrates the steps involved in staff's pre-development permit plan review.



II. Pre-Development Permit Plan Review Process Flow Chart:

○ Refer to numbers in steps described on the previous pages



III. A. Permitting: Over-the-Counter Permit Process Flow Chart

Certain improvements that are limited in scope (i.e. walls, patio covers, or exterior paint color modifications) can be approved with an over-the-counter permit and will receive a final stamp of approval by the Planning staff person. After receiving approval from Planning, the plans may require review and approval by the Department of Public Works and the Department of Building & Safety. Most physical improvements require a permit from Building & Safety and Public Works; however, improvements such as non-illuminated signs glued to a wall, paint color modification, or RV Parking would only require Planning approval.

1. Review Plans:

Staff will review the project for:

- Compliance with the General Plan and Zoning Ordinance,
- Verification that the submittal has all required plans for Planning review.
- Clarity and readability of construction plans

2a. Incomplete or Does Not Comply with Zoning:

If the proposed improvement(s) does not have all of the proper construction documents for review or does not comply with the development standards of the Zoning Ordinance, the project will not be accepted for review and must be modified to meet the standards.

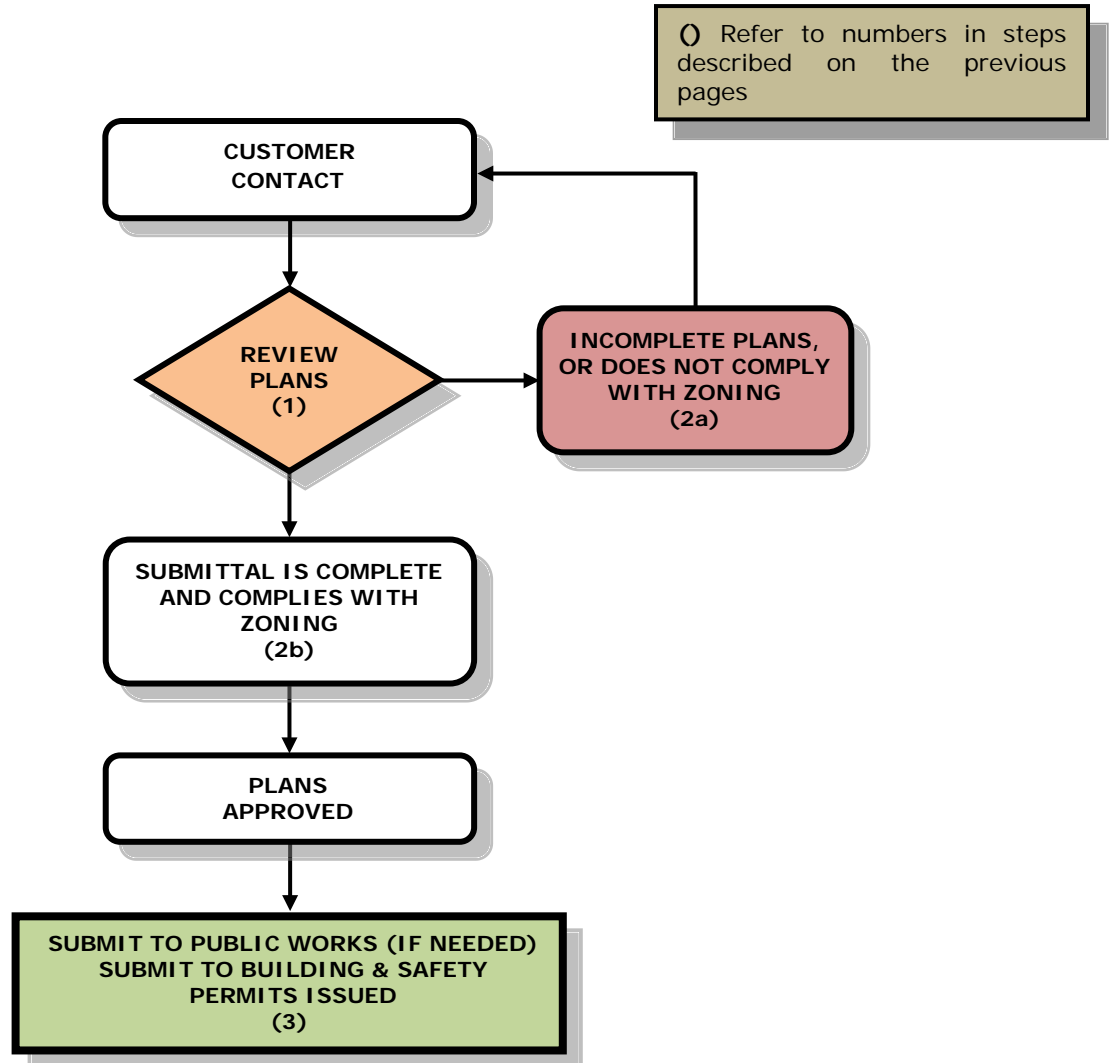
2b. Complete and Complies with Zoning:

If the proposed improvement(s) is submitted and has all the required construction documents for review and complies with all the development standards of the Zoning Ordinance, the construction plans will receive a final stamp of approval from the Community Development/Planning Department. In some instances, a project may comply with the Zoning Ordinance based on additional approvals from the Planning Department. In those cases, a separate application is required (i.e. Adjustment or Architectural Review). The project will not be approved over-the-counter until the separate application for the improvements has been approved.

3. Submit to Building & Safety and Public Works (if needed), for Permit Issuance:

Once the construction plans have been approved by Planning, the plans may need to be reviewed by the Department of Public Works before being submitted to Building & Safety. Permits for pools, spas, and walls, require approval by Public Works. In addition, any physical improvements to the exterior areas (non-building) impacting drainage, hardscape and/or landscaping will require review and approval by Public Works. The Department of Building & Safety will issue a building permit after the project has been reviewed and approved by both Planning and Public Works.

III. A. Permitting: Over-the-Counter Permit Process Flow Chart



TYPES OF OVER THE COUNTER PERMITS

- **PATIO COVERS:** Submit to Planning, Public Works, and Building & Safety
- **WALLS AND FENCES:** Submit to Planning, Public Works, and Building & Safety
- **SIGNS:** Submit to Planning. Also submit to Building & Safety if electrical and/or wall attachment is required for sign installation.
- **TEMPORARY USE PERMITS:** Submit to Planning
- **SINGLE-FAMILY LANDSCAPE CHANGES:** Submit to Planning / Public Works
- **SINGLE-FAMILY COLOR MODIFICATIONS:** Submit to Planning

NOTE: EACH PROJECT IS REVIEWED ON A CASE-BY-CASE BASIS AND MAY NOT BE APPROVED OVER THE COUNTER IF GREATER REVIEW IS NECESSARY.

III. B. Permitting: Plan Check Submittal Review Process

When submitting a proposed construction or remodel project that is more complex and cannot be approved over-the-counter, a Planning staff member will review the plans for conformity with the General Plan, Zoning Ordinance, or a specific project approval by Planning Commission or City Council. The plans will receive a preliminary stamp stating "**ok to plan check**". One set of plans, as described in the Building and Safety's Building Permit Application, will remain with a Planning staff member for review and plan check comments. After a Planning staff member provides the "ok to plan check" stamp, a plan must be submitted to Public Works and Building & Safety. Once the plan check is approved by Planning, Public Works, and Building & Safety, the construction plans will receive a final stamp for approval.

1. Review Plans:

Staff will review the project for:

- Compliance with the General Plan and Zoning Ordinance,
- Verification that the submittal has all required plans for Planning review.
- Clarity and readability of construction plans

2a. Incomplete or Does Not Comply with Zoning:

If the proposed project does not have all proper construction documents for review or does not comply with the zoning development standards, the project will not be accepted for review.

2b. Complete and Complies with Zoning:

If the proposed project is submitted with all required construction documents and complies with all the development standards of the Zoning Ordinance It will be accepted for review.

3. Threshold Decision:

Once the application is deemed complete, Planning staff must review the project to determine whether it can be approved by staff, or requires review and approval by the Architectural Review Commission (ARC). The following projects are examples of the types of projects that require ARC review and approval:

- Single-family homes that are between 15 feet and 18 feet high
- Monument signs
- Exceptions to wall and fence standards
- Modifications to non-residential projects
- RV Screening Permits (if a neighbor requests a hearing),
- Approval of construction drawings related to projects entitled by the Planning Commission and/or City Council
- Any other modifications to physical property that the Director of Community Development determines need to be reviewed by the ARC due to the nature of the project's design, context, color, size, or location.

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4a. Staff Approval:

If a Planning staff member has determined that the proposed project does not have to be reviewed and approved by the ARC and complies with the Zoning Ordinance, the plans will receive the “ok to plan check” designation.

4b. Architectural Review Required:

If a Planning staff member has determined that the proposed project requires review and approval by the ARC, the applicant must submit a complete Planning application for Architectural Review. The ARC meetings are held the second (2nd) and fourth (4th) Tuesday of the month at 12:30 pm PST.

If staff is reviewing construction drawings that are related to a project application entitled by the Planning Commission and City Council, the plans will be presented to the Architectural Review Commission to receive final approval. The plans will be reviewed by the case planner that worked on the project during the initial plan check process to make sure any conditions or modifications requested by the ARC during preliminary design have been implemented. After the plans have been approved by Building & Safety, the construction drawings will be reviewed by the ARC to make sure there were no changes made during the plan check process. . **The final Landscape Plan, Precise Grading Plan, and the Final Water Quality Management Plan (WQMP, if required) will need to be approved before second review by the ARC and permit issuance.**

5. Submit ARC Application:

The application and preliminary plans will be reviewed by the Planning Department, Public Works Department, and Building & Safety Department for conformance with the Palm Desert Municipal Code. This review may take up to three (3) weeks. If any portion of the preliminary design does not conform to the Palm Desert Municipal Code (except the Building & Safety Code), then the applicant will be required to revise the plans and resubmit them before the project is scheduled for an ARC meeting.

6. ARC Hearing:

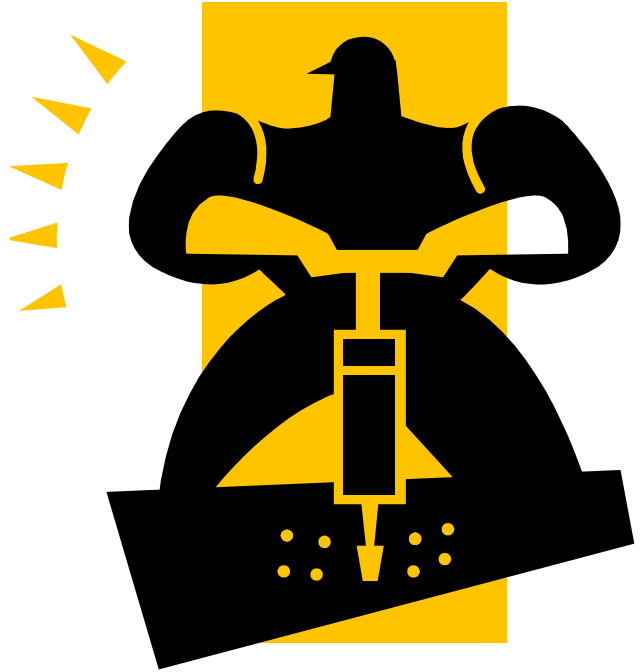
At the ARC meeting, the project will be approved, denied, or continued for modifications. If the project is approved or denied, the project is subject to a 15-day appeal period before the decision is final. An appeal can be filed by the applicant, a City Council member, or anyone from the general public. Once the project has cleared the 15-day appeal period, the plans may be approved as submitted or with revisions required by the ARC for permit issuance. If the project is continued, revised plans will have to be resubmitted to staff for review and scheduling. The review of the revised plans may take up to three (3) weeks before the project is scheduled for another ARC meeting.

If an appeal is filed, staff must prepare a staff report at least two (2) weeks before the scheduled City Council meeting. The City Council generally meets every second (2nd) and fourth (4th) Thursday of the month at 4:00 pm. At the City Council meeting, staff will present a staff report and a recommendation for approval or denial. The applicant and anyone interested in the project will get an opportunity to state his/her position on the project. The City Council will approve or deny the project. The decision is final unless it is challenged and overturned in a court of law.

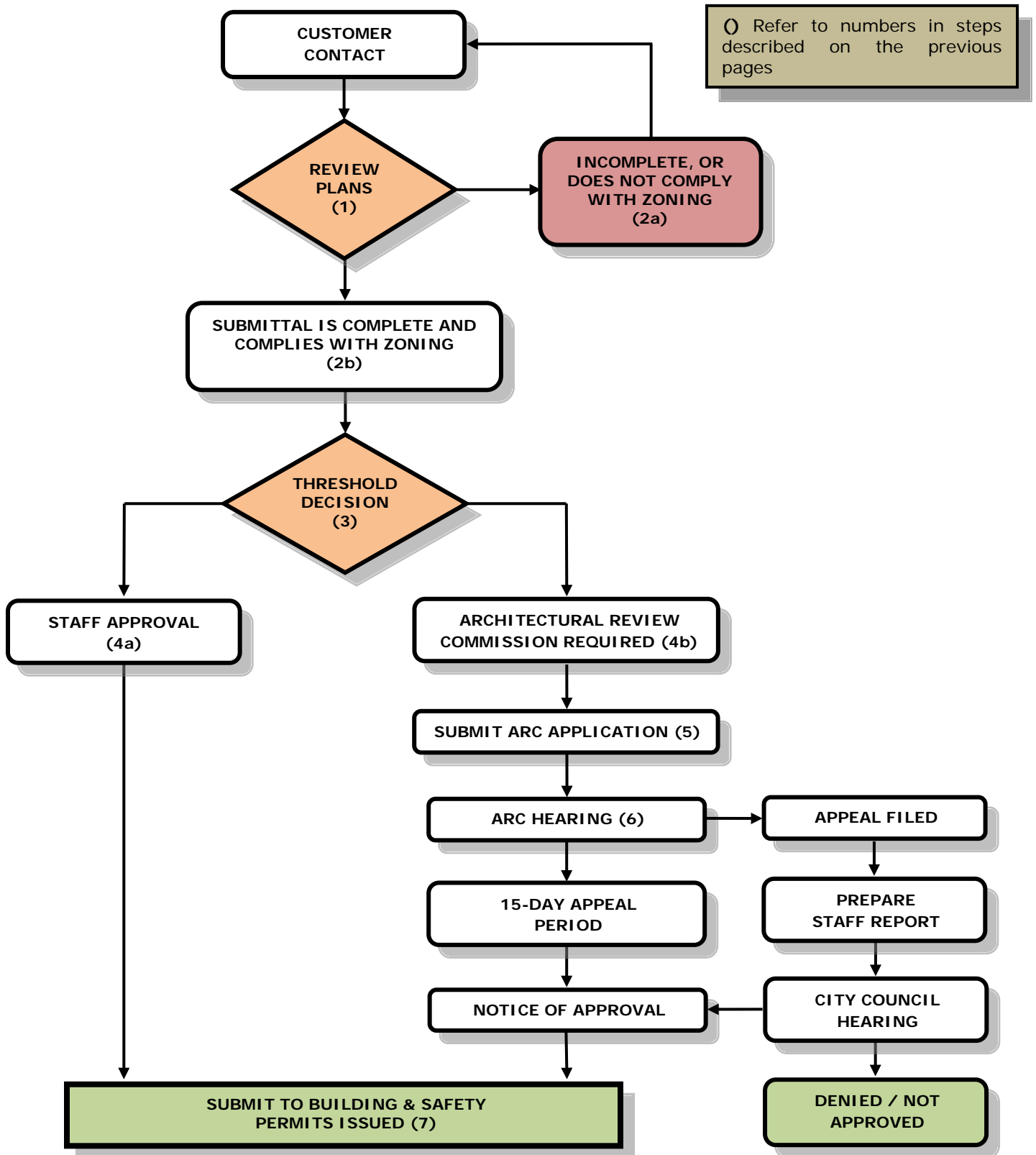
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7. Submit to Building & Safety and Public Works (If needed), for Permit Issuance:

Once a project has been approved by staff, ARC, or the City Council, the plans must be submitted to Building & Safety and Public Works (if needed). Any project that requires approval of a grading plan and/or landscaping plans must be reviewed and approved by Public Works before a building permit is issued. Any changes to the exterior of a property relating to the grade height, drainage, sidewalk, ADA ramps, driveway, parking surfaces, or landscaping must be reviewed and approved by Public Works prior to issuance of a building permit.



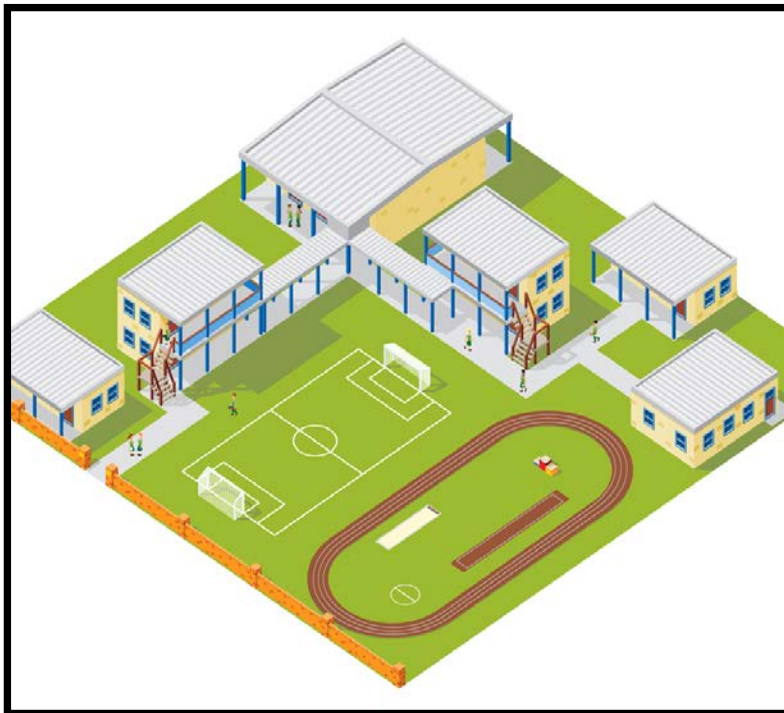
III. B. Permitting: Plan Check Submittal Review Process Flow Chart



III. C. Permitting: Development Entitlement Process

The third type of review process involves greater analysis and public involvement. In each zoning district, some uses or construction is permitted outright, meaning only a business license or building permit is needed with Planning approval. Other uses or construction requires a public hearing and may need approval of a Precise Plan, Conditional Use Permit, General Plan Amendment, Change of Zone, and/or a Tentative Tract or Tentative Parcel Map because of the potential to create impacts with other uses and/or on the environment.

The purpose of the public hearing process is to allow interested parties to express concerns about, or support for, a proposed project and to establish special conditions to make sure that the project will conform to the goals and policies of the General Plan and Zoning Ordinance. See pages 13-17 for a flow chart and process description of the development entitlement process.



III. C.1. Permitting: Planning Commission Review Process

1. Optional Pre-Application Meeting:

Planning staff is always available to informally discuss a potential project; however, a more formal review prior to the submission of any application(s) for development entitlement is strongly encouraged. If the applicant requests a pre-application meeting, he/she will be able to discuss the project with staff from the Planning Department, Public Works Department, Building & Safety Department, Fire Administration, and any other relevant staff at no cost to the applicant.

Submit a project description letter and four (4) copies of a site plan and any other preliminary plans you want to include for review to Planning. A planner will schedule a Pre-Application Meeting for review within two (2) weeks. Within 10 days following the meeting, the applicant will be provided with written comments by the Planning Department. The preliminary plans should include a site plan illustrating any proposed building footprint, parking and driveway areas, signage, conceptual elevations and landscaping.

2. Submit Application, Water Quality Management Plan, Architectural Plans & Fees:

To begin the formal process for new development and entitlement review, all necessary applications, a Preliminary Water Quality Management Plan, accurate preliminary design plans, processing fees, and any necessary environmental documents must be submitted to Planning. Consult with Planning staff beforehand to determine which applications and environmental studies are necessary for review and approval. Each application includes a checklist of the specific items that you must provide with the application. The application must be signed by the property owner or authorized representative.

In reviewing the applications, the Planning Department will:

- Assign a lead planner to review, coordinate, and process the project;
- Review the application carefully within a 30 day timeframe;
- Apply the applicable laws, regulations and guidelines outlined in the General Plan and Zoning Ordinance;
- Attempt to identify design and environmental issues early in the development process and strive to resolve them as early as possible;
- Work together with other agency staff, outside agency staff, the applicant, and the general public to seek a mutually satisfactory resolution when issues arise; and
- Work with all parties to present a recommendation to the Planning Commission (City Council, if required) that complies with the goals and objectives of the General Plan and Zoning Ordinance.

3. Circulate to Other Departments & Outside Agencies:

When the application is submitted, Planning staff will assign it a new case number for tracking purposes. The project will be circulated to other City departments and outside agencies for review, comments, and draft conditions of approval. The following City departments and typical outside agencies will review any new proposed development:

- Public Works
- Building & Safety
- Community Services
- Police & Fire
- Waste Management Services
- Redevelopment Agency

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- Coachella Valley Water District
- Utilities (SCE, PG&E, Verizon)

4. **30 Day Complete / Incomplete Determination:**

Once the project has been submitted, it will be circulated and reviewed by Planning staff as well as the other agencies. Within the first 30 days following project submittal, Planning staff will determine whether or not the application is complete. To determine if the project is complete, all necessary information required for review and approval of the preliminary plans must be provided in accordance with the Palm Desert Municipal Code. If required, a Preliminary Water Quality Management Plan must be submitted for review during the 30-day period.

5a. **Incomplete / Additional Information Needed:**

If the project application(s) is deemed incomplete, the applicant/representative will be notified in writing and the applicant must then submit additional or corrected preliminary plans or exhibits. Once the new or revised plans are submitted, staff has an additional 30 days to determine whether or not the application is complete. Typical reasons for an incomplete application are:

- Project doesn't comply with zoning development standards, and/or General Plan policies
- Preliminary Water Quality Management Plan needs corrections before it can be approved
- Missing exhibits required for further review (i.e. Environmental Assessment, traffic study)
- Missing information on the architectural plans (i.e. pad heights, dimensions, preliminary utilities, landscaping plant palette, etc.)

5b. **Application Complete & CEQA Determination:**

When all necessary information has been provided and the Preliminary Water Quality Management Plan has been submitted for review, the project application will be deemed complete and staff will determine whether or not the project is exempt from the California Environmental Quality Act (CEQA). If the project is determined to be exempt, staff will complete a Notice of Exemption per CEQA.

If the project is not exempt from CEQA, staff has 30 days from the time the application is deemed complete to prepare the Initial Study and determine if the project will require approval of a Negative Declaration, Mitigated Negative Declaration, or an Environmental Impact Report (EIR) for environmental review. An Initial Study (IS) is a preliminary analysis, which is prepared to determine the relative environmental impacts associated with a proposed project. It is designed as a mechanism to determine if a project will have a significant adverse effect on the environment, thereby triggering the need to prepare a full Environmental Impact Report (EIR). It also functions as an evidentiary document containing information that supports conclusions that the project will not have a significant environmental impact, or that the impacts can be mitigated to a "Less Than Significant" or "No Impact" level.

6. **Preliminary Water Quality Management Approval:**

In the City of Palm Desert, a Preliminary Water Quality Management Plan (WQMP) may be required as part of the project application for discretionary project approval. A WQMP is a plan for managing the quality of storm-water runoff that will flow from a developed site after construction is completed and the facilities or structures are operational. A WQMP describes the Site Design, Source Control and Treatment Control Best Management Practices (BMPs) that will be implemented and maintained

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throughout the life of a project. It is used by property owners, facility operators, tenants, facility employees, maintenance contractors, etc. to prevent and minimize water pollution that can be caused by storm-water or urban runoff.

The Preliminary WQMP must be approved prior to the project being presented to the Architectural Review Commission and Planning Commission because site design will determine the layout of the drainage facilities, source and treatment control BMPs, building(s) location, parking and landscaping. The Preliminary WQMP will be reviewed by Public Works staff or contracted out for review if needed.

7. Preliminary Architectural Review:

In the City of Palm Desert, the first discretionary approval for new development is from the Architectural Review Commission (ARC). Projects will be presented to the ARC after the project application(s) has been deemed complete, the Preliminary Water Quality Management Plan has been approved, and staff has made the CEQA determination.

For preliminary approval by the ARC, staff will prepare a staff report describing the project and the building design. The staff report, along with the architectural and landscaping plans, will be distributed to each commissioner the Friday before the project is presented at the meeting. At the meeting, staff will give an oral presentation. The Commissioners will make comments and provide feedback to the applicant as well as to staff. The applicant or representative and the architect must attend the meeting for review and discussion. After the discussion, the Commission will choose to:

- a. Approve the project as proposed or with minor modifications; or
- b. Ask for revisions or redesign and continue the project; or
- c. Deny the project design as proposed.

If the project receives preliminary approval, staff will begin processing the project for a public hearing after the environmental review period is complete. If the project is continued, revised plans must be submitted to staff for review at least two (2) weeks prior to the next available ARC meeting. If the project design is denied, the applicant can file an appeal. In this case, the project would continue through the public hearing process to the Planning Commission, and the design would have to be reviewed and approved by the City Council.

8. Prepare Draft Conditions of Approval, Staff Report & Public Notice:

After the lead planner has completed the application review, received all required agency comments, verified that the Preliminary Water Quality Management Plan has been approved, processed the preliminary plans through ARC for approval of the building and landscaping design, and completed the necessary CEQA documents, the project can be presented to the Planning Commission for review and approval.

Draft Conditions of Approval:

The lead planner will prepare draft Conditions of Approval for any new development to be constructed after approval by the Planning Commission and City Council (if needed). Conditions of Approval are requirements placed on development to control or mitigate potential environmental impacts and to make sure the project conforms to the goals and objectives of the General Plan and Zoning Ordinance. Certain Conditions of Approval need to be resolved prior to permit issuance, some conditions will need to be resolved during construction of the project, and other conditions will need to be resolved to

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obtain a final inspection and certificate of occupancy. Some conditions are never closed. Conditions of Approval are placed on the project forever, and may only be amended by the applying through the Planning Department and scheduling a public hearing with the Planning Commission.

The lead planner will prepare the draft Conditions of Approval for review by other city departments and the applicant prior to the public hearing. This review gives other City staff and the applicant a chance to address any issues with the conditions prior to the preparation of a staff report and legal notice. The Conditions of Approval will be available for review when public notice is given at least 10 to 20 days prior to the public hearing. This gives the applicant and general public a chance to address any issues with planning staff prior to the public hearing.

Staff Report:

The lead planner will prepare a written report summarizing the proposed project and findings of fact as to how the project meets or complies with the laws, recommendations, and guidelines of the General Plan and Zoning Ordinance. The report will conclude with a recommendation that the Planning Commission and City Council (if needed), will consider. The recommendation will be that: the Planning Commission approve the project as submitted; approve subject to conditions; or deny as proposed. The staff report will be available for review when the public notice is given at least 10 to 20 days prior to the public hearing. This gives the applicant and general public a chance to address any questions with Planning staff prior to the public hearing.

Public Notice:

As part of the application, the applicant must submit the names and addresses of all property owners within 300 feet of the project site. (For projects in the Hillside Planned Residential Zone, this is increased to 4,000 feet of the project site.) Each person on the provided mailing list will be mailed an official City of Palm Desert Legal Notice describing the project as well as the date and time for the public hearing. In addition to the mailings, a notice announcing the public hearing will be sent to the local newspaper for posting. The legal notices have to be mailed and posted in the paper at least 10 days prior to the public hearing if the project is exempt from CEQA, and at least 20 days if the project requires a Negative or Mitigated Negative Declaration.

9. Planning Commission Hearing:

During the public hearing, staff will make an oral presentation highlighting the staff report and exhibits. The Planning Commissioners may ask additional questions for clarification. The applicant or representative will then be asked to address the Planning Commission and may choose to provide additional information and/or answer a question that staff cannot. After the applicant has addressed the Planning Commission, anyone from the public may speak in favor of or in opposition to the project. It is important that any item that may lead to the project being challenged in court be addressed, because the courts may limit the issues to those raised at the public hearing, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

After the public hearing comments are received, the Planning Commission will chose to:

- a. Approve the project as proposed; or
- b. Approve the project with modifications or amended Conditions of Approval; or
- c. Ask for revisions or redesign and continue the public hearing to a later date; or
- d. Deny the project as proposed.

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After the hearing, the applicant will receive a Notice of Action from the Planning Department confirming the Planning Commission's decision.

10. 15-Day Appeal Period:

After the Planning Commission's decision, the project is subject to a 15-day appeal period. If the project application is not appealed within 15 days of the Planning Commission's decision, the action is final. If an appeal is filed, staff will prepare a public hearing notice, staff report, and Conditions of Approval for the City Council as described in Step 8 above. The City Council will hold the public hearing within 40 days of the appeal, and will make the final decision on the project application. If the City Council denies the project, then a similar application cannot be processed for that project site for one (1) year.

11. Entitlements Approved/ Notice of Determination Filed / Prepare Construction Drawings/ Prepare Final Water Quality Management Plan / Conditions Implemented:

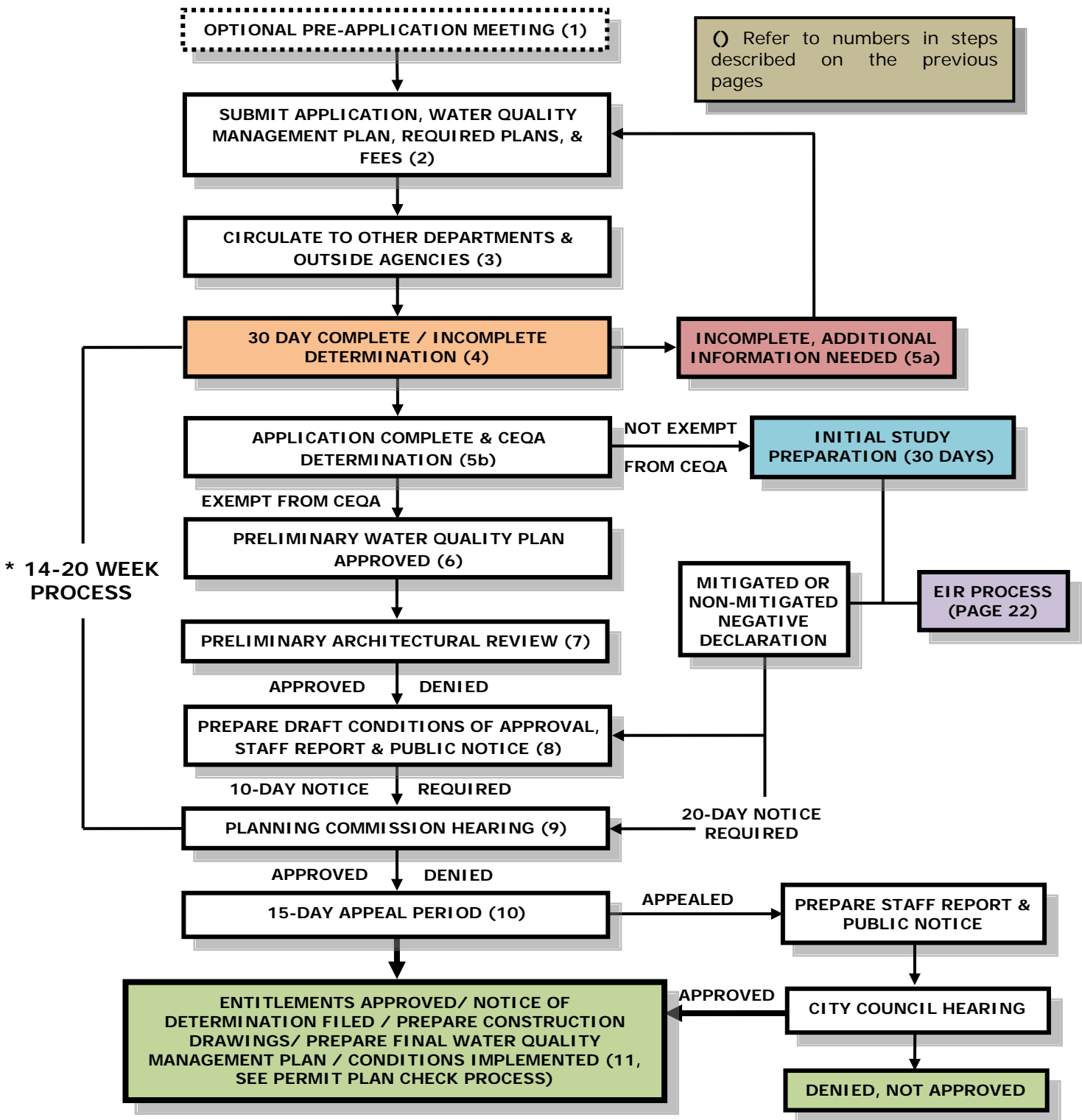
Once the project is approved, the entitlements apply for one (1) year. If the project included a tentative tract map or tentative parcel map, the entitlements are approved for two (2) years. Time extensions may be granted by the Planning Commission before the project expires.

After the final decision is made, the 15-day appeal period has passed, or the City Council has approved the project, the lead planner has five (5) days to file a Notice of Determination for CEQA purposes. A 30-day statute of limitations for legal challenges begins after the Notice of Determination has been filed with and posted by the Riverside County Clerk. There are two (2) separate fees that the applicant must pay for the filing. Staff will contact the applicant after the final decision is made to request a check made out to Riverside County Clerk to cover these fees. If a Notice of Determination is not filed, there is a 180-day statute of limitations period for legal challenges to the project application.

With entitlements granted, the applicant can prepare final construction drawings, prepare the Final Water Quality Management Plan, and implement the Conditions of Approval as part of the permitting process. See Plan Check Permitting Process on Pages 8-11.

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III. C.1. Permitting: Planning Commission Review Process Flow Chart



*THE 14-20 WEEK TIMELINE IS BASED ON PROMPT RESPONSE TO REQUESTS FOR ADDITIONAL INFORMATION AND FOR PROJECTS WITHOUT A GENERAL PLAN AMENDMENT, CHANGE OF ZONE, EIR, EXCEPTION, DEVELOPMENT AGREEMENT, AND/OR ANY OTHER ACTION REQUIRING CITY COUNCIL APPROVAL. SEE PAGES 19-21 FOR CITY COUNCIL APPROVAL PROCESS.

III. C.2. Permitting: City Council Review Process

For the following steps, please see Pages 13-17:

1. **Optional Pre-Application Meeting**
2. **Submit Application, Water Quality Management Plan, Architectural Plans & Fees**
3. **Circulate to other Departments & Outside Agencies**
4. **30 Days Complete / Incomplete Determination**
- 5a. **Incomplete / Additional Information Needed**
- 5b. **Application Complete, Preliminary Water Quality Plan Approved & CEQA Determination**
6. **Preliminary Architectural Review**
7. **Prepare Staff Report, Draft Conditions & Public Notice**
8. **Planning Commission Hearing**
9. **Prepare Draft Conditions of Approval, Staff Report & Public Notice:**

10. **City Council Public Hearing:**

Similar to the Planning Commission public hearing described above in Section 7, staff will make an oral presentation covering the staff report. The City Council may ask questions for additional clarification. The applicant will then be asked to address the City Council and may choose to provide additional information and/or answer questions that staff cannot. After the applicant has addressed the City Council, anyone may speak in favor of, or in opposition to the project. It is important that any item that may lead to the project being challenged in court be addressed, because the courts may limit the issues to those raised at the public hearing, or in written correspondence delivered to the City Council at, or prior to, the public hearing.

After the public hearing comments are received, the City Council will choose to:

- a. Approve the project as proposed; or
- b. Approve the project with modifications or amended Conditions of Approval; or
- c. Ask for revisions or redesign and continue the public hearing to a later date; or
- d. Deny the project as proposed.

If the project is approved, the decision is final unless a second reading is required for an ordinance that is related to a Change of Zone or Development Agreement.

If the project is denied, the City Council's decision is final and a similar project may not be proposed for one (1) year.

11. **Second Reading, If Required:**

Some applications reviewed by the City Council require approval of an ordinance that takes two (2) readings. The project applications that require second reading are:

- Change of Zone
- Zoning Ordinance Amendment
- Development Agreement

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If a second reading is required, the City Council approval is not final until the second reading has been approved at a separate City Council meeting. Typically, the project ordinance will be scheduled for second reading at the meeting following the public hearing.

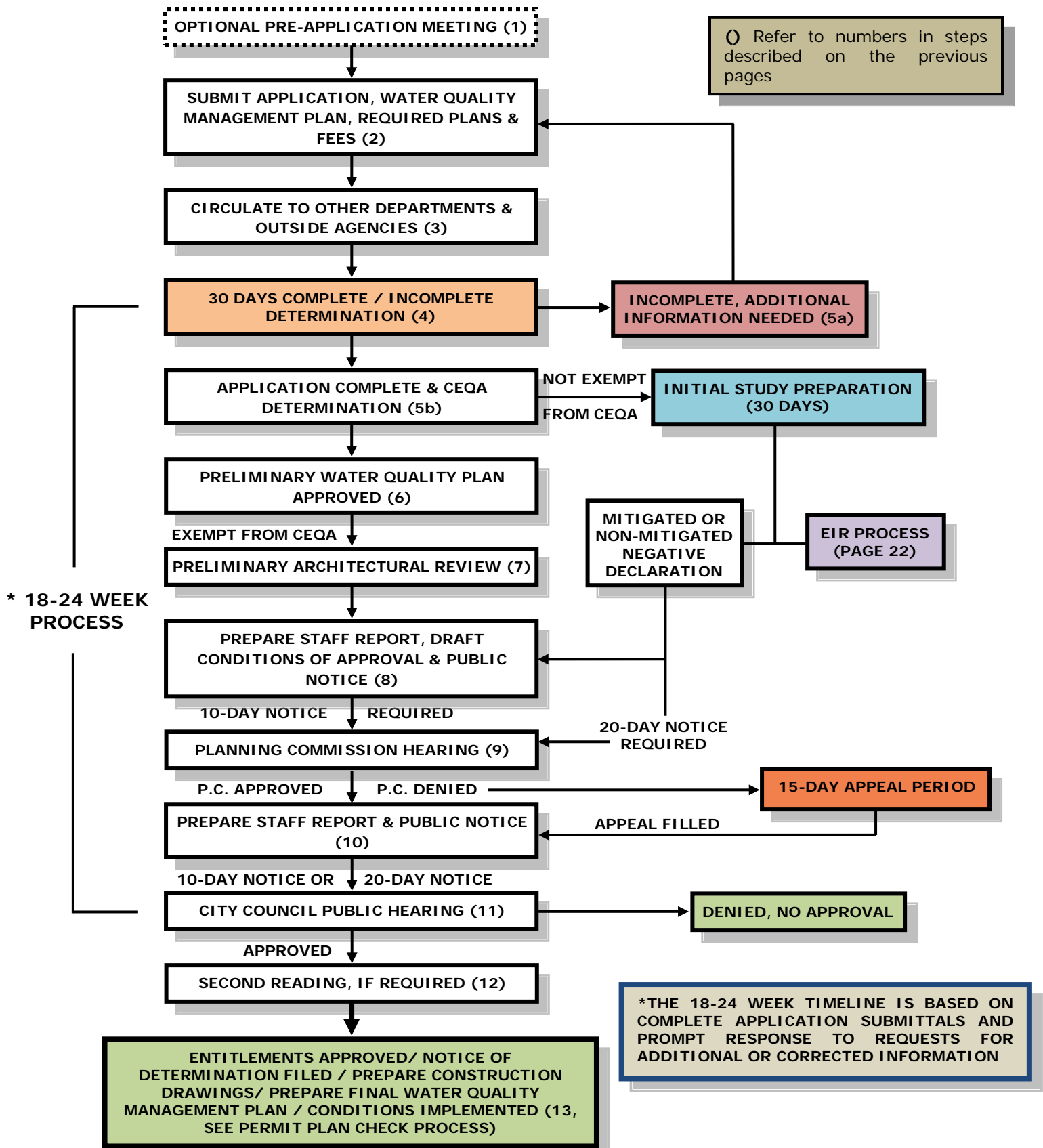
12. Entitlements Approved/ Notice of Determination Filed / Prepare Construction Drawings/ Prepare Final Water Quality Management Plan / Conditions Implemented:

Once the project is approved, the entitlements apply for one (1) year. If the project included a tentative tract map or tentative parcel map, then the entitlements are approved for two (2) years. Time extensions may be granted before the entitlement deadline expires.

After the final decision is made, the lead planner has five (5) days to file the Notice of Determination for the CEQA purposes. A 30-day statute of limitations for legal challenges begins after the Notice of Determination has been filed with and posted by the Riverside County Clerk. There are two (2) separate fees that the applicant must pay for the filing. Staff will contact the applicant after the final decision is made to request a check made out to Riverside County Clerk to cover these fees. If a Notice of Determination is not filed, there is a 180-day statute of limitations period for legal challenges to the project application.

With entitlements granted, the applicant can prepare final construction drawings, prepare the Final Water Quality Management Plan, and implement the Conditions of Approval as part of the permitting process. See Plan Check Permitting Process on Pages 8-11.

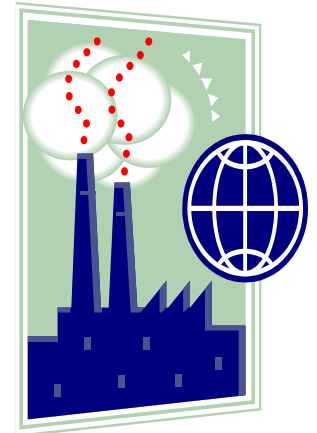
III. C.2 Permitting: City Council Review Process Flow Chart



III. C.3 Permitting: Environmental Impact Report (EIR) Process

For the following steps, please see Pages 13-14:

1. **Optional Pre-Application Meeting**
2. **Submit Application, Water Quality Management Plan, Architectural Plans & Fees**
3. **Circulate to other Departments & Outside Agencies**
4. **30 Days Complete / Incomplete Determination**
- 5a. **Incomplete / Additional Information Needed**
- 5b. **Application Complete, Preliminary Water Quality Plan Approved & CEQA Determination**



6a. **Prepare Initial Study:**

Since this process applies to projects requiring an Environmental Impact Report (EIR), the CEQA Determination in **Step 5b** is that the project is not exempt and staff will have 30 days to prepare an Initial Study. The Initial Study will demonstrate that staff's preliminary analysis of environmental impacts associated with the project will require an EIR.

6b. **Preliminary Architectural Review:**

See Page 15, Step 7

7. **Complete Notice of Preparation & Prepare Draft EIR:**

When an EIR is required, the City will generally require the applicant to post a deposit to pay for the EIR's preparation by a consultant of the City's choosing. The consultant or the lead planner for the project will send a Notice of Preparation (NOP, CEQA Form G) to other City departments, outside agencies potentially impacted by the new development, any neighboring landowners, the Office of Planning and Research, and the Riverside County Clerk. Staff must also complete a Notice of Completion (CEQA Form H) and attach it as a cover letter to the NOP when it is sent to the Office of Planning and Research. The NOP must be posted with the Riverside County Clerk for 30 days and all comments must be received within those 30 days for consideration. If no response is received within 30 days, the City will presume that the notified parties have no concerns. Comments and information requested from the NOP must be included in the EIR.

Once the NOP has been circulated and filed with the Riverside County Clerk, the consultant or lead planner will begin preparing the Draft EIR. If a Draft EIR is prepared under a contract with a private consultant, the contract must be executed within 45 days from the date of when the NOP is filed. The Draft EIR cannot be circulated for public review before expiration of the 30-day time period for responses.

8. **File Notice of Completion & Public Notice of Availability:**

After the 30-day comment period for the NOP has expired and completion of the Draft EIR, the consultant or lead planner will file a Notice of Completion (CEQA Form H) with the Office of Planning and Research and notify the public that the Draft EIR is available for review. The public notice must be sent to the Riverside County Clerk, City departments, neighboring agencies, any person or organization requesting a copy, and the local paper for publishing. The notice will be posted with the Riverside

Development and Permit Review Procedures and Guidelines

County Clerk for 30 days. The minimum public review period for the Draft EIR is 45 days, unless a shorter period (no less than 30 days) is approved by the Office of Planning and Research.

The Notice of Availability must contain a project description; project location; identification of significant environmental impacts; specifications of the review period; identification of the public hearing date, time, and place (if one is held on the Draft EIR); address of where the Draft EIR and supplemental documents are available for review; and a statement of whether the project site is a listed toxic site.

CEQA does not require a public hearing on the Draft EIR. However, the City may chose to hold a public hearing to receive additional comments from the public.

9. Prepare Final EIR, Staff Report and Public Notice for Planning Commission Meeting:

After comments on the Draft EIR are received and evaluated, the consultant or lead planner will prepare the Final EIR, responding to all environmental comments received on the Draft EIR, and the City will certify the Final EIR before approving the project. Staff will also prepare a staff report and legal notice for the public hearing (see page 16 for details about staff reports and public notice).

The Final EIR will include potential mitigation and monitoring measures for identified environmental impacts; a list of persons, agencies, and organizations that commented on the Draft EIR; copies of comments received during the public review; and the City's response to received comments. The City will hold a hearing before the Planning Commission to consider adoption of the Final EIR. The City will provide a copy of the responses to all relevant public agencies and notify the public of the hearing at least 10-days prior to the Planning Commission meeting.

10. Planning Commission Meeting:

Staff will make an oral presentation highlighting the staff report, exhibits, and the Final EIR with a recommendation. The Planning Commissioners may ask additional questions for clarification. The applicant will then be asked to address the Planning Commission and may chose to provide additional information and/or answer questions that staff cannot. After the applicant has addressed the Planning Commission, anyone from the public may speak in favor of, or opposition to the project. If significant new information is added to the EIR, the project must be continued and re-noticed so that the new information can be addressed in the Final EIR.

After the public hearing comments are received, the Planning Commission will chose to:

- a. Recommend that the City Council certify the Final EIR and approve the project as proposed;
- b. Approve the project with amended or new Conditions of Approval; or
- c. Ask for revisions or redesign, and continue the public hearing to a later date; or
- d. Deny the project as proposed.

If the project is approved, it will be scheduled for a City Council meeting for Certification of the EIR and final decision. If the project is denied, the applicant may chose to appeal the Planning Commission's decision within 15 days of the decision. If no appeal is filed, the project is denied and a similar application cannot be filed for one (1) year.

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11. Prepare Final EIR, Staff Report and Public Notice for City Council:

Similar to the Planning Commission process, staff will prepare the Final EIR with any additional information that may have been raised at the Planning Commission Hearing. The City will hold a hearing before the City Council to consider adoption of the Final EIR. The City will provide a copy of the responses to all relevant public agencies and notify the public of the hearing at least 10 days prior to the City Council meeting.

12. City Council Meeting:

Similar to the Planning Commission meeting, staff will make an oral presentation highlighting the staff report and the Final EIR and provide a recommendation. The City Council may ask additional questions for clarification. The applicant will then be asked to address the City Council and may choose to provide additional information and/or answer questions that staff cannot. After the applicant has addressed the City Council, anyone from the public may speak in favor or opposition to the project. If significant new information is added to the EIR, the project must be continued and re-noticed so that the new information can be addressed in the Final EIR.

After the public hearing comments are received, the City Council will choose to:

- a. Certify the Final EIR and approve the project as proposed;
- b. Certify the Final EIR and approve the project with amended or new Conditions of Approval; or
- c. Ask for revisions or redesign, and continue the public hearing to a later date; or
- d. Deny the project as proposed.

The motion by the City Council will certify the Final EIR and will determine that it is in compliance with CEQA by adopting findings for each environmentally significant effect identified in the EIR.

If the project is denied, the City Council's decision is final and a similar project may not be proposed for one (1) year.

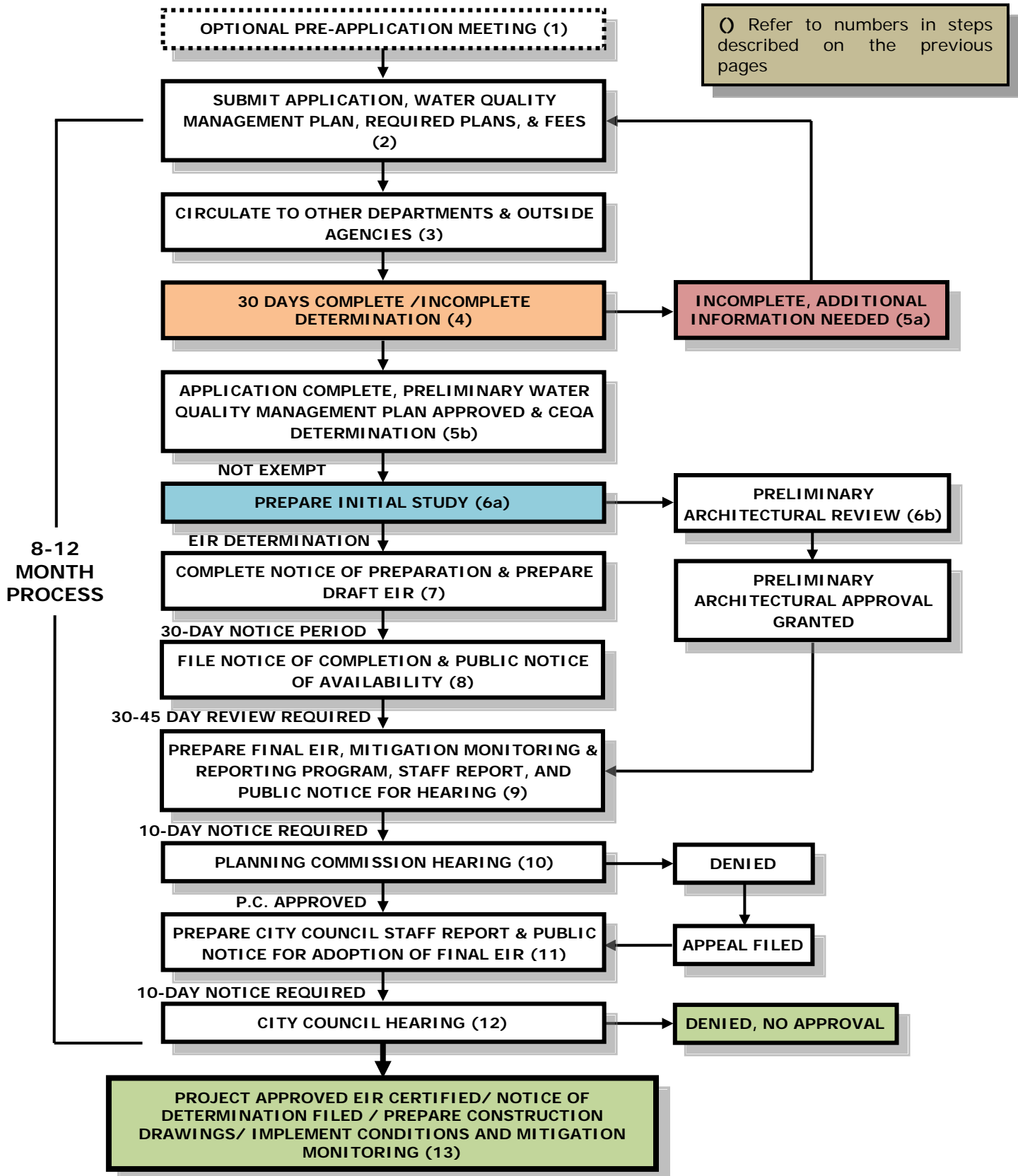
13. Entitlements Approved/ Notice of Determination Filed / Prepare Construction Drawings/ / Implement Conditions and Mitigation Monitoring Report:

Once the project is approved, the project entitlements are good for one (1) year or two (2) years if a tentative map was part of the project application. Time extensions may be granted before the entitlement deadline expires. Typically, a Certified EIR is good for five (5) years unless major changes are made to the project that would modify the EIR. If changes are made, an Addendum to the EIR focusing on the impacts of the changes may be approved as part of the project amendments.

After the final decision is made, the lead planner has five (5) days to file the Notice of Determination for CEQA purposes. A 30-day statute of limitations for legal challenges begins after the Notice of Determination has been filed with and posted by the Riverside County Clerk. There are two (2) separate fees that the applicant must pay for the filing. Staff will contact the applicant after the final decision is made to request a check made out to Riverside County Clerk. If a Notice of Determination is not filed, there is a 180-day statute of limitations period for legal challenges on the project application.

With entitlements granted, the applicant can prepare final construction drawings, implement the Conditions of Approval, and prepare the Mitigation Monitoring reports as part of the permitting process. See Plan Check Permitting Process on Pages 8-11.

III. C.3 Permitting: Environmental Impact Report (EIR) Process Flow Chart



Development and Permit Review Procedures and Guidelines

IV. A. Other Hearing Types – Conditional Use Permit – Non Architectural Review

1. Optional Pre-Application Meeting:

Staff is always available to informally discuss potential uses requiring a Conditional Use Permit (CUP). A meeting can be arranged with any city department staff that may need to review the proposed Conditional Use Permit application. In most cases, a CUP application will only be reviewed by Planning.

2. Submit Application, Supporting Information & Fees:

To begin the review process for a CUP, the applicant submits a CUP application, processing fees, and any additional supporting documentation explaining the nature of the use. The supporting documentation will usually include a detailed description of the business plan with the proposed hours of operation, number of employees, number of students (for classes), and any other additional information that the Director of Community Development/Planning requires for review and approval.

In reviewing the applications, Planning staff will:

- Assign a lead planner to review, coordinate, and process the project;
- Review the application carefully within a 30-day timeframe;
- Apply applicable laws, regulations, and guidelines outlined in the General Plan and Zoning Ordinance;
- Work with all parties to present a recommendation to the Planning Commission (possibly City Council) that complies with the goals and objectives of the General Plan and Zoning Ordinance;

3. Circulate to other Departments & Outside Agencies:

For a CUP, staff may circulate the application to other City departments for review and Conditions of Approval. The following departments may review a proposed Conditional Use Permit application:

- Department of Public Works
- Department of Building and Safety
- Fire Marshal

4. 30 Days Complete / Incomplete Determination:

Within the first 30 days of application submittal, staff will determine whether the application is complete. To determine if the application is complete, all necessary information required for review and approval must be provided.

5a. Incomplete / Additional Information Needed:

If the application is deemed incomplete, staff will notify the applicant in writing with a list of required additional or corrected information. Once the new or revised information is submitted, staff has another 30 days to determine whether or not the application is complete. Typical reasons for an incomplete application are:

- Application does not include supplemental information with a detailed business plan.
- Missing exhibits required for further review.

- Missing information on the architectural plans

5b. Application Complete & CEQA Determination:

When all necessary and correct information is provided, the application will be deemed complete and staff will determine whether or not the project is exempt from the California Environmental Quality Act (CEQA). Exceptions from CEQA fall into two categories, “Statutory Exemptions” and “Categorical Exemptions”. Most Conditional Uses are exempt from CEQA because they are land use related actions, not new construction. This process assumes that the project is exempt and will not require any further environmental review. If for some reason further environmental review is required, the review process will take an average of 12 weeks.

6. Prepare Draft Conditions of Approval, Staff Report & Public Notice::

After the lead planner has completed the application review, staff will begin preparing all the necessary documents for a public hearing before the Planning Commission.

Draft Conditions of Approval:

The lead planner will prepare draft Conditions of Approval for any new development to be constructed after approval by the Planning Commission and City Council (if needed). Conditions of Approval are requirements placed on development to control or mitigate potential environmental impacts and to make sure the project conforms to the goals and objectives of the General Plan and Zoning Ordinance. Certain Conditions of Approval need to be resolved prior to permit issuance, some conditions will need to be resolved during construction of the project, and other conditions will need to be resolved to obtain a final inspection and certificate of occupancy. Some conditions are never closed. Conditions of Approval are placed on the project forever, and may only be amended by the applying through the Planning Department and scheduling a public hearing with the Planning Commission.

The lead planner will prepare the draft Conditions of Approval for review by other city departments and the applicant prior to the public hearing. This review gives other City staff and the applicant a chance to address any issues with the conditions prior to the preparation of a staff report and legal notice. The Conditions of Approval will be available for review when public notice is given at least 10 to 20 days prior to the public hearing. This gives the applicant and general public a chance to address any issues with planning staff prior to the public hearing.

Staff Report:

The lead planner will prepare a written report summarizing the proposed project and findings of fact as to how the project meets or complies with the laws, recommendations, and guidelines of the General Plan and Zoning Ordinance. The report will conclude with a recommendation that the Planning Commission and City Council (if needed), will consider. The recommendation will be that: the Planning Commission approve the project as submitted; approve subject to conditions; or deny as proposed. The staff report will be available for review when the public notice is given at least 10 to 20 days prior to the public hearing. This gives the applicant and general public a chance to address any questions with Planning staff prior to the public hearing.

Public Notice:

As part of the application, the applicant must submit the names and addresses of all property owners within 300 feet of the project site. (For projects in the Hillside Planned Residential Zone, this is increased to 4,000 feet of the project site.) Each person on the provided mailing list will be mailed an official City of Palm Desert Legal Notice describing the project as well as the date and time for the public hearing. In addition to the mailings, a notice announcing the public hearing will be sent to the local newspaper for posting. The legal notices have to be mailed and posted in the paper at least 10 days prior to the public hearing if the project is exempt from CEQA, and at least 20 days if the project requires a Negative or Mitigated Negative Declaration.

7. Planning Commission Hearing:

During the public hearing, staff will make an oral presentation covering the staff report. The Planning Commissioners may ask additional questions for clarification. The applicant will then be asked to address the Planning Commission and may choose to provide additional information and/or answer questions that staff cannot. After the applicant has addressed the Planning Commission, anyone from the public may speak in favor of, or opposition to the project. It is important that any item that may lead to the application being challenged in court be addressed, because the courts may limit the issues to those raised at the public hearing, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

After comments are received at the public hearing, the Planning Commission will choose to:

- a. Approve the CUP with the proposed Conditions of Approval; or
- b. Approve the CUP with amended or new Conditions of Approval; or
- c. Ask for revisions and continue the public hearing to a later date; or
- d. Deny the Conditional Use Permit application.

If the project is approved, the project applicant will receive a Notice of Action stating the approval resolution and approved Conditions of Approval. If the project is denied, the applicant will receive a Notice of Action stating that the project has been denied.

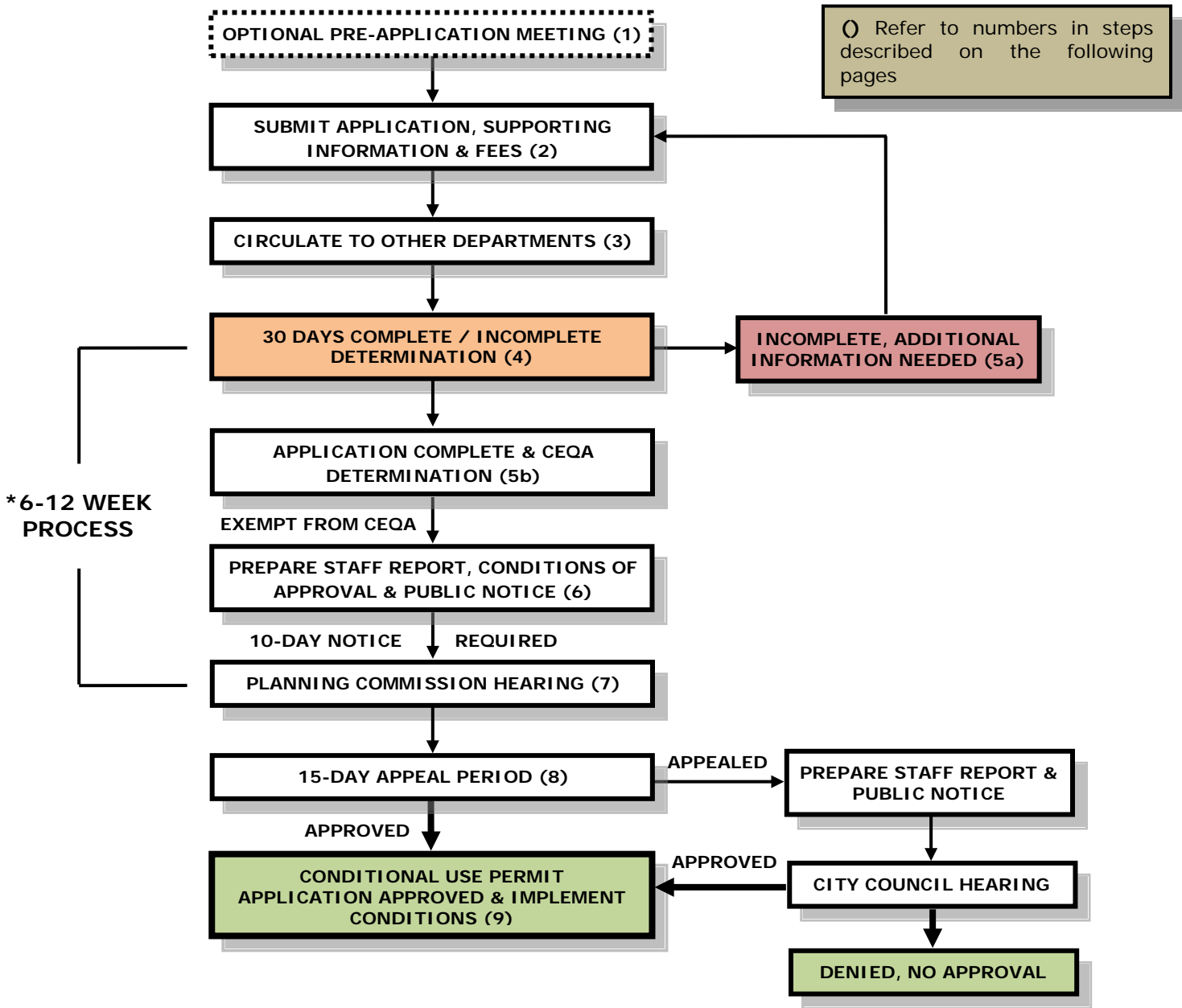
8. 15-Day Appeal Period:

After the Planning Commission's decision, the Conditional Use Permit application is subject to a 15-day appeal period. If the project application is not appealed within 15 days of the Planning Commission's decision, the action is final. If an appeal is filed, staff has 40 days to prepare a staff report, Conditions of Approval, and a public hearing notice as described in Step 6 above. The City Council will make the final decision on the project application. If the City Council denies the project, then a similar application cannot be processed for that project site for one (1) year.

9. Conditional Use Permit Application Approved & Implement Conditions:

Once the CUP application has been approved and has cleared the 15-day appeal period, or received final approval from City Council, the proposed use is approved for that specific property. It remains with the property location as long as the use remains active. If the use is abandoned or non-active for more than one (1) year, the Conditional Use Permit is no longer valid.

IV. A. Other Hearing Types – Conditional Use Permit – Non Architectural Review



*THE 6-12 WEEK TIMELINE IS BASED ON PROMPT RESPONSE TO REQUESTS FOR ADDITIONAL INFORMATION AND STAFF CASE LOAD.

- TYPES OF NON ARC CONDITIONAL USE PERMITS:**
- BUSINESS/COLLEGE
 - CHURCHES (NOT NEW CONSTRUCTION)
 - LARGE-FAMILY DAY CARE
 - DANCE STUDIO OR SIMILAR TYPE OF GROUP ACTIVITY CLASSES
 - NEW LOCATION OF ONSITE OR OFF-SITE LIQUOR SALE
- NOTE: EACH ZONE HAS A LIST OF CONDITIONAL USES; PLEASE SEE THE ZONING ORDINANCE FOR ALL CONDITINOAL USES.**

IV. B. Other Hearing Types – Tentative Parcel Map – Not Part of Other Applications

1. Purpose:

The purpose of a Tentative Parcel Map is to allow land divisions for four (4) or fewer parcels or for five (5) parcels if the fifth parcel contains the "remainder" which is a lot that is not to be sold, leased, financed, or built on. Tentative Parcel Maps also apply to condominium conversions of existing buildings.

2. Application Required:

An application for a Tentative Parcel Map is required and must be submitted to the Planning Department for review and approval. Similar to other processes described in this document, a Tentative Parcel Map will be reviewed by City staff for conformance to the City's General Plan, Zoning Ordinance, Subdivision Ordinance, and the California Environmental Quality Act (CEQA).

The flow chart process described on Page 32 is intended for the subdivision of existing projects and/or condominium conversions of existing built projects. This process assumes that the application will be exempt from CEQA because it is an existing project. If the Tentative Parcel Map is being submitted for future development of vacant land, see Pages 12-26 for the accurate processing steps and timeframe based on the required environmental review process.

3. Planning Commission Hearing:

A Tentative Parcel Map application must be approved by the Planning Commission through a public hearing process. During the public hearing, staff will make an oral presentation covering the staff report. The Planning Commissioners may ask additional questions for clarification. The applicant will then be asked to address the Planning Commission and may choose to provide additional information and/or answer questions that staff cannot. After the applicant has addressed the Planning Commission, anyone from the public may speak in favor of, or opposition to the project. It is important that any item that may lead to the application being challenged in court be addressed because the courts may limit the issues to those raised at the public hearing, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

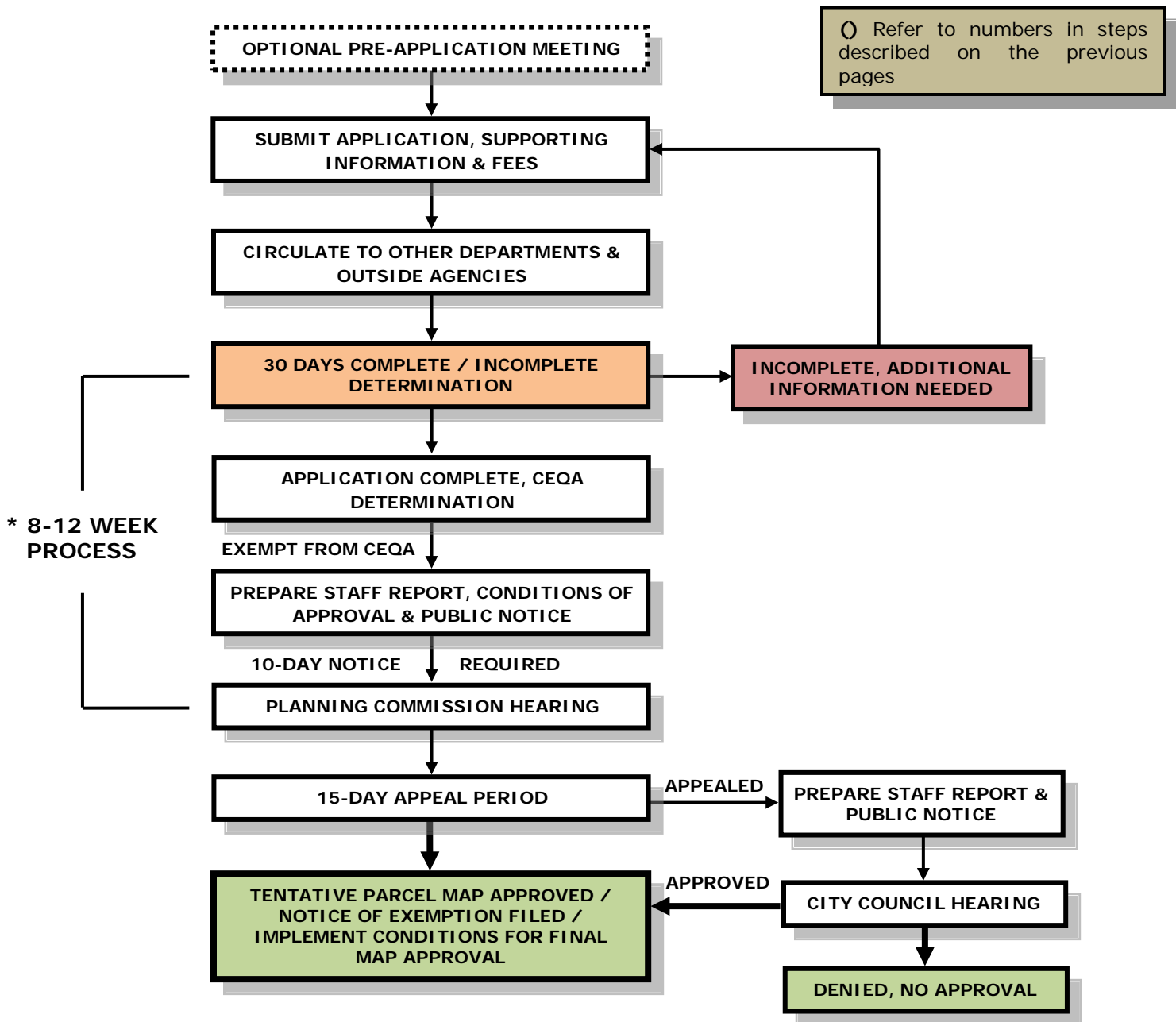
After the public hearing comments are received, the Planning Commission will choose to:

- a. Approve the Tentative Parcel Map with the proposed Conditions of Approval; or
- b. Approve the Tentative Parcel Map with amended or new Conditions of Approval; or
- c. Ask for revisions and continue the public hearing to a later date; or
- d. Deny the Tentative Parcel Map application.

If the project is approved, the project applicant will receive a Notice of Action stating the approval resolution and approved Conditions of Approval. If the project is denied, the applicant will receive a Notice of Action stating that the project has been denied. Approval or denial of a Tentative Parcel Map application can be appealed to the City Council within 15 days of the Planning Commission's decision.

Once the Tentative Parcel Map is approved, the applicant must implement the Conditions of Approval before the Final Tentative Parcel Map can be approved. Approval of a Tentative Parcel Map is valid for two (2) years. Time extensions may be granted before the project expires.

IV. B. Other Hearing Types – Tentative Parcel Map – Not Part of Other Applications



*THE 8-12 WEEK TIMELINE IS BASED ON PROMPT RESPONSE TO REQUESTS FOR ADDITIONAL INFORMATION AND STAFF CASE LOAD.

- TYPES OF TENTATIVE PARCEL MAPS SUBJECT TO THIS REVIEW:
- CONDOMINIUM MAPS ON EXISTING PARCELS OR BUILDINGS
 - SUBDIVIDING LAND WITH EXISTING DEVELOPMENT OF FOUR (4) PARCELS OR FEWER

IV. B. Other Hearing Types – Parcel Map Waiver (lot merger or lot-line adjustments)

1. Purpose:

The purpose of a Parcel Map Waiver is to allow the Planning Commission to determine whether or not a minor property line adjustment or lot merger complies with the California Subdivision Map Act and City of Palm Desert's Municipal Code. This waiver may apply to lot-line adjustments and lot consolidations of four (4) parcels or less as determined by the Director of Public Works.

2. Application Required:

An application for a Parcel Map Waiver is required and must be submitted to the Community Development/Planning Department for initial review. The planner that reviews the application must first ensure that the proposed lot line adjustment or lot merger complies with the City's Zoning Ordinance development standards for minimum lot width, length, total square footage, and/or proposed use. The application must be submitted with all data and information requested by the Director of Community Development/Planning and the Director of Public Works.

3. Planning Commission Action:

The Planning Commission will consider the application after the Department of Public Works has reviewed the application and determined that the proposed adjustment and resulting parcels comply with the applicable requirements of the area including improvement and design, floodwater drainage control, and other requirements of the Subdivision Map Act. The application will be scheduled under the Consent Calendar of the Planning Commission Agenda and is not a public hearing item.

If the Parcel Map Waiver application is approved, a Certificate of Compliance must be filed by the applicant with the Riverside County Recorder. The certificate must describe the real properties involved, names of all property owners involved, and a statement that the waiver for a lot line adjustment has been granted by action of the Planning Commission.

IV. C. Other Hearing Types – Parcel Map Waiver (lot merger or lot-line adjustments)

