



CITY COUNCIL STAFF REPORT

DATE: April 19, 2017 Public Hearing

SUBJECT: CITY OF PALM SPRINGS FOR A ZONE TEXT AMENDMENT RELATING TO THE CRITERIA AND PROCEDURES FOR THE REVIEW OF EXTENSION OF TIME APPLICATIONS (CASE 5.1405 ZTA).

FROM: David H. Ready, City Manager

BY: Department of Planning Services

SUMMARY

This is a request to amend the Palm Springs Zoning Code (PSZC) to add Section 94.12.00, "Extension of Time," which would establish standard procedures and criteria for the consideration of Extension of Time (EOT) applications. The proposed amendment has been developed at the direction of both the Planning Commission and City Council.

RECOMMENDATION:

- 1) Waive the reading of the ordinance text in its entirety and read by title only; and
- 2) Introduce on first reading Ordinance No. _____, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AMENDMENTS TO CHAPTER 94.00 OF THE PALM SPRINGS ZONING CODE (PSZC) RELATING TO THE CRITERIA AND PROCEDURES FOR THE REVIEW OF EXTENSION OF TIME (EOT) APPLICATIONS."

BACKGROUND:

| <i>Related Relevant City Actions</i> | |
|--------------------------------------|--|
| 07/22/15 | The Planning Commission appointed a subcommittee (Calderine, Lowe) to discuss guidelines for the review of EOT applications. |
| Aug./Sep. 2015 | The Planning Commission subcommittee met on two occasions (08/19/15 and 09/30/15) to discuss criteria and procedures for EOT applications. |
| 11/02/16 | City Council directed staff to proceed with a Zone Text Amendment to address criteria for the consideration of EOT applications. |

| <i>Related Relevant City Actions</i> | |
|--------------------------------------|---|
| 03/08/17 | The Planning Commission recommended approval of the draft ordinance by a vote of 7 to 0. The Planning Commission had previously discussed the ordinance at the meetings of 01/11/17 and 02/22/17, and at a study session on 02/08/17. |

STAFF ANALYSIS:

Currently, procedural requirements and standards for the processing of Extension of Time (EOT) applications are found in multiple sections in the zoning code. The identified criterion for approval of an EOT application is generally limited to a finding of "good cause." The proposed amendment is intended to standardize the procedures for EOT applications and provide substantive criteria for the Planning Commission to utilize in reviewing requests for extensions.

The Planning Commission appointed a subcommittee (Calerdine, Lowe) in July 2015 to study the process and criteria for EOT applications. The subcommittee met in August and September of 2015, and then again in November 2016 to finalize their recommendations. In addition, the City Council directed staff at the meeting of November 2, 2016, to proceed with an amendment to establish criteria for the review of EOT applications.

The draft ordinance addresses two areas relative to EOT applications: procedural requirements for processing applications and criteria for the evaluation of applications. The following procedural requirements are proposed for all EOT applications:

- Application: An application for an EOT shall be filed 60 days prior to the expiration of the entitlement.
- Hearing: EOT applications shall be treated as a public hearing, which requires publication of the hearing in the newspaper, a mailed notice of the hearing to property owners within 500 feet of the subject site, and an electronic notice to the neighborhood organizations within one-half mile of the subject site. The public hearing requirements are detailed in PSZC Section 94.09.00.
- Approval Process: EOT applications shall be forwarded to the Planning Commission for action. The action of the Planning Commission is final, unless appealed to the City Council. The Planning Commission may approve the extension, approve the extension with modifications to the conditions of approval, or deny the extension request.
- Term: As proposed, extensions may be approved for a maximum of up to two years beyond the initial entitlement. The ordinance gives the Planning Commission a degree of flexibility in setting the extension period, as a shorter period of time may be warranted for certain applications. The Planning Commission discussed numerous options for the term for extensions, but ultimately recommended that a time period of 24 months be adopted. It was

noted in the discussions that the ordinance could be amended by City Council at any point in the future should a longer time period be necessary, such as during an economic downturn.

The Planning Commission also discussed at length the criteria for consideration of EOT applications. The final criteria as proposed are listed below:

1. *The requested extension of time is consistent with the General Plan and any applicable specific plan, and the proposed project remains consistent with those plans as they exist at the time the extension request is being considered;*
2. *The findings made in support of the original approval remain valid and are still appropriate;*
3. *There have been no significant changes to the proposed project, or to areas within the geographic proximity of the proposed project that negates the appropriateness of the project, or new information concerning new or substantially more severe environmental effects which would require a reevaluation of the project under the California Environmental Quality Act (CEQA);*
4. *The subject site has been properly maintained in accordance with the Property Maintenance Standards of this Title;*
5. *The applicant has demonstrated convincingly and clearly that the project will be substantially underway within the extended period.*
6. *The applicant has made reasonable, substantial and timely efforts to exercise the entitlement and advance the project, such as, but not limited to, the pre-payment of impact fees or submittal of permit applications; and*
7. *Extenuating circumstances, not within the applicant's control, (financial inability and market conditions excepted), have prevented the applicant from exercising the entitlement within the initial time period granted, but that such circumstances are more likely than not to be removed in time for the applicant to substantially begin the project within the extended period.*

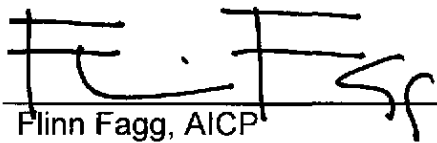
The criteria listed above substantially expand upon the concept of "good cause" in the granting of EOT requests. Planning staff will provide an evaluation of the criteria in the report that is drafted for review by the Planning Commission; the Planning Commission will review the evaluation as a basis for making findings in support (or denial) of the application request.

The ordinance proposes to standardize the extension process for all application types

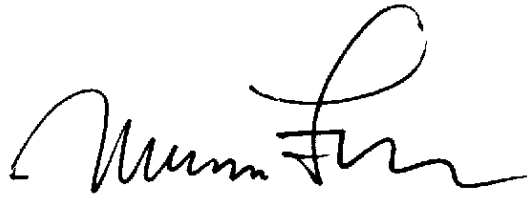
(Conditional Use Permit, Variance, Architectural Application, etc.). The draft ordinance will revise all references in the zoning code to the extension process and refer to the new section of the code (Section 94.12.00). However, it is important to note that the proposed ordinance will not revise the extension process for Tentative Map applications. Requirements for the extension of Tentative Map approvals are listed in Chapter 9.63 of the Municipal Code, and are governed by the requirements of State law. Extensions for map applications are limited to a period of one year; in cases where a project requires the extension of both a subdivision map and a zoning entitlement application, the Planning Commission may choose to limit the extension of the entitlement to a period of one year to be coterminous with the extension of the map.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) DETERMINATION:

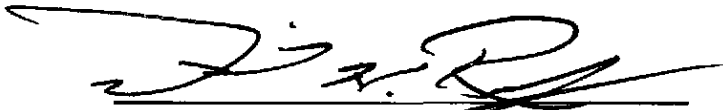
The proposed Zone Text Amendment is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(2) of the CEQA Guidelines because the proposed amendments to the Palm Springs Zoning Code will not result in a direct or reasonably foreseeable indirect physical change in the environment; and 15060(c)(3) because the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.



Flinn Fagg, AICP
Director of Planning Services



Marcus L. Fuller, MPA, P.E., P.L.S.
Assistant City Manager/City Engineer



David H. Ready, Esq., Ph.D.
City Manager

Attachments:

1. Draft Ordinance
2. Planning Commission Minutes – 03/08/17
3. Planning Commission Minutes – 02/22/17
4. Comparison chart of EOT requirements for Coachella Valley cities

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PALM SPRINGS ADOPTING AMENDMENTS TO CHAPTER 94.00 OF THE PALM SPRINGS ZONING CODE (PSZC) RELATING TO THE CRITERIA AND PROCEDURES FOR THE REVIEW OF EXTENSION OF TIME (EOT) APPLICATIONS.

City Attorney Summary

The proposed ordinance will establish standardized application procedures and a list of criteria to be considered in evaluating requests for extensions of entitlement applications.

THE CITY COUNCIL FINDS AND DETERMINES AS FOLLOWS:

A. In July 2015, the Planning Commission established a subcommittee to study the process and criteria for the evaluation of Extension of Time (EOT) applications.

B. The Planning Commission subcommittee met and developed recommendations to be considered by the Planning Commission.

C. In November 2016, the City Council directed staff to proceed with amendments to the procedures and criteria for the consideration of EOT applications, and requested that the Planning Commission review and forward recommendations to the City Council.

D. On March 8, 2017, a public hearing on the proposed Zone Text Amendment was held by the Planning Commission in accordance with applicable law, and after taking public testimony and reviewing all evidence presented in connection with the hearing, the Planning Commission voted to 7 to 0 to recommend approval of the proposed ordinance to the City Council.

E. Notice of public hearing of the City Council of the City of Palm Springs to consider Case 5.1405 ZTA was given in accordance with applicable law.

F. The proposed Zone Text Amendment is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(2) of the CEQA Guidelines because the proposed amendments to the Palm Springs Zoning Code will not result in a direct or reasonably foreseeable indirect physical change in the environment; and 15060(c)(3) because the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

G. On April 19, 2017, a public hearing on the proposed Zone Text Amendment was held by the City Council in accordance with application law, and the City Council has carefully reviewed and considered all of the evidence presented in connection with the hearing on the Zone Text Amendment, including, but not limited to, the staff report, and all written and oral testimony presented.

H. The City Council hereby finds that approval of the proposed Zone Text Amendment would:

1. Clearly establish and standardize the procedural requirements for the processing of Extension of Time applications; and
2. Provide consistent and detailed criteria for the evaluation of Extension of Time applications.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 94.12.00 is added to the Palm Springs Zoning Code (PSZC) to read as follows:

94.12.00 Extension of Time.

A. Purpose.

The purpose of this section is to provide a mechanism for extending the term of an entitlement previously granted under this chapter. This section shall not apply to tentative subdivision maps, which may be extended in accordance with Section 9.63.110. The provisions of this section are not intended to limit the authority or the discretion of the planning commission to determine whether good cause exists for an extension of time.

B. Application.

An application for an extension of time shall be filed with, and on a form provided by, the Department of Planning Services. Such application must be filed at least sixty (60) days before the entitlement is due to expire. The application shall be signed and acknowledged by the owner of record of the property for which the extension of time is sought, and shall be notarized as to the owner's signature.

C. Hearing and Notification.

An application for an extension of time shall be heard by the planning commission. The planning commission shall provide for a public hearing to be held in the manner provided for in Section 94.09.00.

D. Criteria.

The burden of proof shall be on the applicant to establish by clear and convincing evidence that the applicant has proceeded in good faith and has exercised due diligence in complying with the conditions of approval imposed on the entitlement in a timely manner. In determining that good cause exists for an extension of time, the planning commission must make the following findings:

1. The requested extension of time is consistent with the General Plan and any applicable specific plan, and the proposed project remains consistent with those plans as they exist at the time the extension request is being considered;
2. The findings made in support of the original approval remain valid and are still appropriate;
3. There have been no significant changes to the proposed project, or to areas within the geographic proximity of the proposed project that negates the appropriateness of the project, or new information concerning new or substantially more severe environmental effects which would require a reevaluation of the project under the California Environmental Quality Act (CEQA);
4. The subject site has been properly maintained in accordance with the Property Maintenance Standards of this Title;
5. The applicant has demonstrated convincingly and clearly that the project will be substantially underway within the extended period.
6. The applicant has made reasonable, substantial and timely efforts to exercise the entitlement and advance the project, such as, but not limited to, the pre-payment of impact fees or submittal of permit applications; and
7. Extenuating circumstances, not within the applicant's control, (financial inability and market conditions excepted), have prevented the applicant from exercising the entitlement within the initial time period granted, but that such circumstances are more likely than not to be removed in time

for the applicant to substantially begin the project within the extended period.

E. Decision.

The planning commission may take such action as it deems appropriate regarding the extension of time application, including without limitation:

1. Grant the extension of the previously approved entitlement;
2. Modify the previously imposed conditions of approval and/or add new conditions of approval in connection with a grant of extension; or
3. Deny the requested extension.

The decision of the planning commission is final unless appealed to the city council in the manner provided by Chapter 2.05 of the Palm Springs Municipal Code.

F. Extension of Time – Term.

The planning commission may grant extensions for a period of up to twenty-four (24) months beyond the original expiration date of the entitlement.

SECTION 2. PSZC Subsection 93.23.05(C), "Shopping Centers," is hereby amended to read:

C. Time Limits.

Requests for extensions of time shall be made pursuant to the requirements of Section 94.12.00.

SECTION 3. PSZC Subsection 93.23.07(F)(1), "Use of Permit," is hereby amended to read:

1. Any conditional use permit that is granted shall be used within two (2) years from the effective date thereof or within such additional time as may be set in the conditions or approval, which shall not exceed a total of five (5) years; otherwise, the permit shall be null and void. Notwithstanding the foregoing, if a permit is required to be used within less than five (5) years, the permittee may, prior to its expiration, request an extension of time pursuant to Section 94.12.00 in which to use the permit. An extension of time may be

granted by the commission upon a determination that valid reason exists for permittee not using the permit within the required period of time. If an extension is granted, the total time period allowed for use of the permit shall not exceed a period of five (5) years, calculated from the effective date of the issuance of the permit. The term "use" shall mean the beginning of substantial construction of the use that is authorized, which construction must thereafter be pursued diligently to completion.

SECTION 4. PSZC Subsection 93.23.07(G)(4), "Revocation or Voiding of Conditional Use Permit," is hereby amended to read:

4. If the time limit for development expires and development has not commenced, or the use permitted by the conditional use permit does not exist, the conditional use permit shall be considered void. No notice need be given nor hearing held. An extension of time may be approved pursuant to the requirements of Section 94.12.00.

SECTION 5. PSZC Subsection 94.02.00(F), "Time Limit for Development," is hereby amended to read:

F. Time Limit for Development.

Unless otherwise stated by the commission or council, the time limit for commencement of use or construction under a conditional use permit shall be two (2) years from the effective date of approval. Extensions of time may be approved pursuant to the requirements of Section 94.12.00.

SECTION 6. PSZC Subsections 94.02.00(I)(4) and 94.02.00(I)(5), "Revocation or Voiding of Conditional Use Permit," is hereby amended to read:

4. If the time limit for development expires and development has not commenced, or the use permitted by the conditional use permit does not exist, the conditional use permit shall be considered void. No notice need be given nor hearing held. An extension of time may be approved pursuant to the requirements of Section 94.12.00.
5. Termination of a use granted herein for a period of one (1) calendar year shall terminate the use rights granted without further notice or public hearing. An extension of time may be approved pursuant to the requirements of Section 94.12.00.

SECTION 7. PSZC Subsection 94.03.00(H), "Termination of Proceedings," is hereby amended to read:

H. Termination of Proceedings.

If, within two (2) years after the date of approval by the city council of the preliminary development plan, the final development plan, as indicated in Section 94.03.00(l), has not been approved by the planning commission, the procedures and actions which have taken place up to that time shall be null and void and the planned development district shall expire. Extensions of time may be allowed pursuant to the requirements of Section 94.12.00.

SECTION 8. PSZC Subsection 94.04.00(H), "Extensions of Time," is hereby amended to read:

H. Extensions of Time.

Extensions of time may be granted pursuant to the requirements of Section 94.12.00.

SECTION 9. PSZC Subsection 94.06.00(1)(a), "Revocation or Voiding of Variance/Time Limits," is hereby amended to read:

(1)(a) Extensions of time may be granted pursuant to the requirements of Section 94.12.00.

ADOPTED this ___th day of _____, 2017.

ROBERT MOON
MAYOR

ATTEST:

KATHLEEN D. HART, MMC
INTERIM CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.

Ordinance No. _____

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CITY OF PALM SPRINGS)

I, KATHLEEN D. HART, Interim City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. _____ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on _____ and adopted at a regular meeting of the City Council held on _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

KATHLEEN D. HART, MMC
INTERIM CITY CLERK

EXCERPT OF MINUTES

At the Planning Commission meeting of the City of Palm Springs, held March 8, 2017, the Planning Commission took the following action:

2A. CITY OF PALM SPRINGS FOR A ZONE TEXT AMENDMENT RELATING TO THE CRITERIA AND PROCEDURES FOR THE REVIEW OF EXTENSION OF TIME APPLICATIONS (CASE 5.1405 ZTA). (FF) (Continued from the February 22, 2017 meeting.)

The Commission commented and/or requested clarification on:

- The language on time-limits.
- Subdivision map and PDD's.
- Effective date of ordinance and projects subject to the new regulations.
- Strategy to inform all the affected parties.
- Approval process for Tentative Tract Maps, Final Tract Maps and Planned Development District (PDD's).

Chair Calerdine opened the public hearing and with no speakers coming forward the public hearing was closed

The Commissioners discussed the following changes to the draft ordinance:


- Replace the criteria suggested by staff with the criteria proposed by Commissioner Donenfeld at the 2/22/17 meeting;
- Add language requiring the applicant to demonstrate clear and convincing evidence for the extension;
- Eliminate the language in Section F(2) as proposed by staff;
- Reference the extension process for map applications;
- Limit the extension to a maximum of 2 years beyond the original 2-year approval period; and
- Correct the references in other sections of the zoning code to reflect the maximum 2-year extension timeframe.

ACTION: Approve with changes as directed by the Commission.

Motion: Commissioner Middleton, seconded by Commissioner Donenfeld and unanimously carried on a roll call vote.

I, TERRI HINTZ, Planning Administrative Coordinator for the City of Palm Springs, hereby certify that the above action was taken by Planning Commission of the City of Palm Springs on the 8th day of March, 2017, by the following vote:

AYES: Chair Calerdine, Vice-Chair Weremiuk, Commissioner Donenfeld,
Commissioner Hirschbein, Commissioner Hudson, Commissioner
Lowe, Commissioner Middleton
NOES: None
ABSENT: None



Terri Hintz
Planning Administrative Coordinator

EXCERPT OF MINUTES

At the Planning Commission meeting of the City of Palm Springs, held February 22, 2017, the Planning Commission took the following action:

3A. CITY OF PALM SPRINGS FOR A ZONE TEXT AMENDMENT RELATING TO THE CRITERIA AND PROCEDURES FOR THE REVIEW OF EXTENSION OF TIME APPLICATIONS (CASE 5.1405 ZTA). (FF) (CONTINUED FROM THE FEBRUARY 8, 2017 MEETING.)

Planning Director Fagg summarized the proposed changes by the Commission as outlined in the staff report.

Commissioner Middleton commented that previous discussion was made that City Council during a time of recession or economic downturn could declare a suspension on the time-limits to allow all projects to have a greater amount of time. It has some advantages because it requires the City Council to make the findings and treats all projects equally. (Planning Director responded that the City Council retains the ability to modify any ordinances at any point.)

Vice-Chair Weremiuk requested commented on:

- D.5 - remove the word "any" for extenuating circumstances.
- Maps and PDD's (Planned Development Districts) should be specifically mentioned in this ordinance.

Commissioner Donenfeld said he did research outside the Coachella Valley and found that most of the jurisdictions have a limitation on the number of extensions with respect to entitlements. He provided language for discussion and consideration for the Commission to incorporate into the proposed ordinance.

Chair Calderine opened the public hearing:

GRETCHEN GUTIERREZ, Desert Valley Builders Association, chief executive officer, urged the Commission to move forward with the 5 (five) year time limit and requested further definition on the "exceptions" - they are undefined in the current ordinance. She indicated that the building industry has not caught up and is still in the process of recovering from the last downturn; and requested sensitivity to the existing market conditions.

ADAM TEIXEIRA, believes time extensions should be used in a cautious manner and keep the projects moving forward as planned. No additional funding should be received unless the projects have been approved by the City Council.

There being no further speakers the public hearing was closed.

Commissioner Middleton said this is one of the most important things the Commission has worked on. She thinks the constant extensions of time have been an issue to the neighbors and the new neighbors do not have an opportunity to weigh in on projects that may have significant impact and entitlements should not be forever. She is pleased that they are ready to take steps to limit the amount of time someone has to build on their project. She agrees with Commissioner Donenfeld that the burden of proof should be on the applicant and they should have a convincing reason for continuing.

Vice-Chair Weremiuk stated that she likes Commissioner Donenfeld's drafted language and would like see A-G included instead of 1-5 and likes the burden of proof language. She would like to see language that references how maps are governed and feels most comfortable with the 2 year time extensions.

Commissioner Hirschbein thanked Commissioner Donenfeld for bringing forth the proposed text to the Commission and feels a total of 4 years is sufficient for a project to get started.

Commissioner Lowe appreciated the research provided by Commissioner Donenfeld and agrees the burden of proof should be on the applicant. He suggested that item 3c "there have been no significant changes to the proposed project or to areas within the geographic proximity of the proposed project . . ." should include "that negates the appropriateness of the project". He thinks a time limit of 7 years is too long and is okay with 2 - 4 years.

Chair Calerdine requested clarification if a time extension is required for a phased project that will be built over a series of time.

ACTION: Continue to the meeting of March 8, 2017 to allow staff to incorporate the changes as discussed and bring back an amended resolution for final review.

Motion: Vice-Chair Weremiuk, seconded by Commissioner Lowe and unanimously carried on a roll call vote.

I, TERRI HINTZ, Planning Administrative Coordinator for the City of Palm Springs, hereby certify that the above action was taken by Planning Commission of the City of Palm Springs on the 22nd day of February, 2017, by the following vote:

AYES: Chair Calerdine, Vice-Chair Weremiuk, Commissioner Donenfeld, Commissioner Hirschbein, Commissioner Hudson, Commissioner Lowe, Commissioner Middleton
NOES: None
ABSENT: None



Terri Hintz
Planning Administrative Coordinator

Entitlement Extension Comparison – Coachella Valley Cities

| City | Entitlement | Length of Extension | Limit on Number of Extensions | Criteria for Granting Extension |
|---------------------|-----------------------------------|---|--------------------------------------|--|
| <u>Palm Springs</u> | Planned Development District (PD) | None Specified; however, past practice has been to grant 1-year extensions. | None Specified | Extensions may be allowed for good cause. (94.03.00(H) and (I)) |
| <u>Coachella</u> | Architectural Review | 1-year (17.72.010(J)(2)) | No more than 3 (17.72.010(J)(2)) | <ul style="list-style-type: none"> a) No significant change has occurred in the surrounding neighborhood; b) The project conforms to existing and any new building and zone requirements; c) A request for the extension is properly filed with the planning director ten (10) days or more prior to expiration; and d) The applicant states upon affidavit the reasons requiring an extension and such other criteria as the planning department shall set forth in the application. (17.72.010(J)(3)(a)-(d)) <ul style="list-style-type: none"> • Planning commission shall grant the extension if good cause is set forth in the application. (17.72.010(J)(4)) • Planning commission may impose any additional conditions on the architectural approval as a condition of its renewal. (17.72.010(J)(2)) |

Entitlement Extension Comparison – Coachella Valley Cities

| City | Entitlement | Length of Extension | Limit on Number of Extensions | Criteria for Granting Extension |
|---------------------------|------------------------------------|---|--------------------------------------|--|
| <u>Desert Hot Springs</u> | Planned Development District (PDD) | <ul style="list-style-type: none"> • Extension shall not exceed the length of time granted with the original development plan approval. (17.36.090(A)) • Development plan shall lapse 5 years from the date of original approval, or within the time otherwise set by the City Council or Planning Commission. (17.36.100(A)) | None Specified | <ul style="list-style-type: none"> • Requires finding that such extension is justified and not detrimental to the public health safety and welfare. (17.36.090(A)) • City Council may approve, approve with conditions, or deny. (17.36.090(B)) |
| <u>Indian Wells</u> | Master Development Plan | 1-year (21.06.030)(e)) | None Specified | <ul style="list-style-type: none"> • Requires finding that such extension is justified and not detrimental to the public health safety and welfare. (21.06.030)(e)(2)(i)) • City Council may approve, approve with conditions, or deny. (21.06.030)(e)(2)(ii)) |
| <u>Indio</u> | Site Development Plan | 1-year (159.958(B)) | No more than 3 (159.958(B)) | Applicant must clearly show that extenuating circumstances warrant extension. (159.958(B)) |
| <u>La Quinta</u> | Development Review Permit | 2-years (9.200.080(D)(1)) | None Specified | Requires finding that such an extension is justified by the circumstances of the project. (9.200.080(D)(1)) |

Entitlement Extension Comparison – Coachella Valley Cities

| City | Entitlement | Length of Extension | Limit on Number of Extensions | Criteria for Granting Extension |
|----------------------|------------------------------------|----------------------------|--|--|
| <u>Palm Desert</u> | Precise Plan | 1-year (25.72.030(K)(2)) | No more than 3 (25.72.030(K)(3)) | <ul style="list-style-type: none"> • Applicant must clearly show extenuating circumstances and must clearly state the reasons why construction has not commenced. (25.72.030(K)(2)) • Planning commission may grant additional time extensions...provided that there has not been adopted any changes to zoning regulations that would impact said precise plan. (25.72.030(K)(3)) |
| <u>Rancho Mirage</u> | Preliminary Development Plan (PDP) | 1 year (17.42.130) | <p>No more than one, subject to following:</p> <p>If a PDP is processed concurrently with a tentative map...the PDP shall be eligible for extensions in twelve month increments commensurate with any city-approved or state-mandated mandated extension of the tentative map. (17.42.130)</p> | <ul style="list-style-type: none"> • Requires finding that there have been no changes in circumstances or law which would preclude the reviewing authority from making the findings upon which the original approval was based. (17.68.070(E)) • The extension may be approved, approved with modifications, or disapproved. (17.68.070(E)) |

**CITY OF PALM SPRINGS
PUBLIC NOTIFICATION**




Date: April 19, 2017
Subject: Case 5.1405 ZTA

AFFIDAVIT OF PUBLICATION

I, Cynthia A. Berardi, CMC, Interim Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on April 8, 2017.

I declare under penalty of perjury that the foregoing is true and correct.

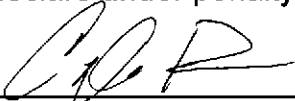


Cynthia A. Berardi, CMC
Interim Chief Deputy City Clerk

AFFIDAVIT OF POSTING

I, Cynthia A. Berardi, CMC, Interim Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board, and in the Office of the City Clerk on April 5, 2017.

I declare under penalty of perjury that the foregoing is true and correct.




Cynthia A. Berardi, CMC
Interim Chief Deputy City Clerk

AFFIDAVIT OF MAILING

I, Cynthia A. Berardi, CMC, Interim Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was mailed to each and every person on the attached list on April 6, 2017, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California. (10 notices)

I declare under penalty of perjury that the foregoing is true and correct.



Cynthia A. Berardi, CMC
Interim Chief Deputy City Clerk

NOTICE OF PUBLIC HEARING
CITY COUNCIL
CITY OF PALM SPRINGS

A ZONING TEXT AMENDMENT TO AMEND THE PALM SPRINGS ZONING CODE
(PSZC) RELATING TO THE CRITERIA AND PROCEDURES FOR THE REVIEW OF
EXTENSION OF TIME (EOT) APPLICATIONS
CASE 5.1405 ZTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of April 19, 2017. The City Council meeting begins at 6:00 p.m., in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The purpose of this hearing is to consider an application by the City of Palm Springs to amend the Palm Springs Zoning Code (PSZC) regarding criteria and procedures for the review of Extension of Time (EOT) applications.

ENVIRONMENTAL DETERMINATION: Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the proposed Zone Text Amendment has been deemed a "project." Staff has determined that the proposed Zone Text Amendment (Case 5.1405 ZTA) may be deemed Categorically Exempt from the provisions of CEQA under Section 15305 (Minor Alterations in Land Use Limitations) of the Guidelines. The proposed Zone Text Amendment only proposes insignificant changes to land use regulations.

REVIEW OF PROJECT INFORMATION: The proposed amendment and related documents are available for public review at City Hall between the hours of 8:00 a.m. and 6:00 p.m., Monday through Thursday. Please contact the Office of the City Clerk at (760) 323-8204 if you would like to schedule an appointment to review these documents.

COMMENT ON THIS APPLICATION: Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments can be made to the City Council by email at City.Clerk@palmspringsca.gov or letter (for mail or hand delivery) to:

Kathleen D. Hart, MMC
Interim City Clerk
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

Any challenge of the proposed project in court may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior, to the public hearing. (Government Code Section 65009[b][2]).

An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed Flinn Fagg, Director, at (760) 323-8245.

Si necesita ayuda con esta carta, porfavor llame a la Ciudad de Palm Springs y puede hablar con Felipe Primera telefono (760) 323-8253.



Kathleen D. Hart, MMC
Interim City Clerk