

Study Session: Public Noticing Requirements

PALM DESERT CITY COUNCIL
NOVEMBER 14, 2024



Overview

- On October 10th, Mayor Pro-Term Harnik requested staff research options to increase public notification radius for projects. Council-member Nestande also voiced support for this.
- Intent of the study session is to:
 1. Provide the City Council with overview of existing state and local requirements for public notice
 2. Present 5 proposed policy updates and additional considerations
 3. Receive input and feedback from Council on these proposed amendments

General and State Law Notice Requirements

- When deciding upon a permit, variance or subdivision, a City must ensure that the property owner and affected citizens receive adequate notice of all hearings.
- California Government Code (GC) Sets minimum standards for contents and procedures (e.g. method, timing, etc.)
- GC 65091 establishes requirements that:
 - Written notice be mailed to all owners of real property within **300 feet** of the property
 - **10 days** prior to the hearing
 - Allows for Cities to expand on requirements:
 - *"In addition to the notice required by this section, a local agency may give notice of the hearing in any other manner it deems necessary or desirable."*

Current City Notice Requirements

- Palm Desert Municipal Code Section 25.60.060 – Public Hearing and Notice
- Complies with state law minimums:
 - Written notice be mailed to all owners of real property within 300 feet of the property (less than 5-acres)
 - 10 days prior to the hearing
- More expansive noticing in certain cases:
 - **Projects 5-acres or greater:** 1,000-foot noticing radius + Community Engagement Meeting (PDMC 25.60.160)
 - **Hillside Development Projects:** 4,000-foot noticing requirement + Notice to all Homeowners Associations (HOAs) south of Haystack Road (PDMC 25.78.020(C))

Notice Requirements - Other Local Agencies

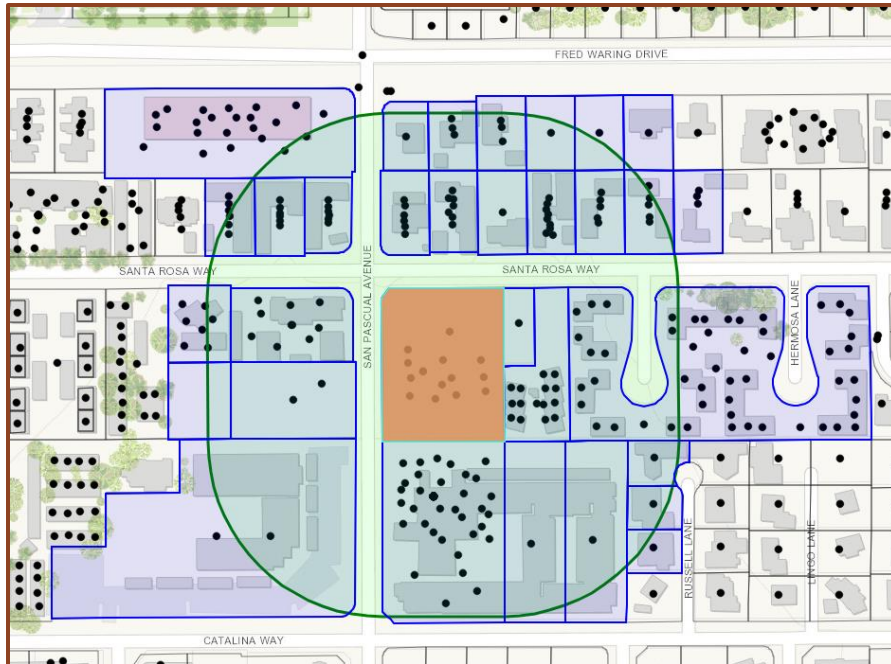
Local Agency	Notification Radius	Other Requirements?
Coachella Valley		
Desert Hot Springs	300'	No
Palm Springs	500'	Neighborhood Meeting On-site posting
Cathedral City	300'	No
Rancho Mirage	500'	No
Palm Desert	300'	Expanded Notification Neighborhood meeting
Indian Wells	300'	Notice to tenants, property managers, HOAs
La Quinta	500'	No
Indio	500'	On-site posting
Coachella	500'	No
County of Riverside	300'	On-site posting
Other Cities		
Irvine	500'	On-site posting
Temecula	600'	On-site posting
Chino Hills	300'	No
Ontario	300'	On-site posting
Newport Beach	300'	On-site posting

- Cities most commonly notify at minimum 300' radius as required by State Law.
- Palm Desert meets minimum state law
- Many Cities notify at a radius of 500'
- On-site sign postings
- Neighborhood meetings

Policy #1 – Increased Radius to 500'

- Amend PDMC 25.60.060 - Increase the standard minimum notification radius to 500'

Example – 300' Radius = 32 parcels



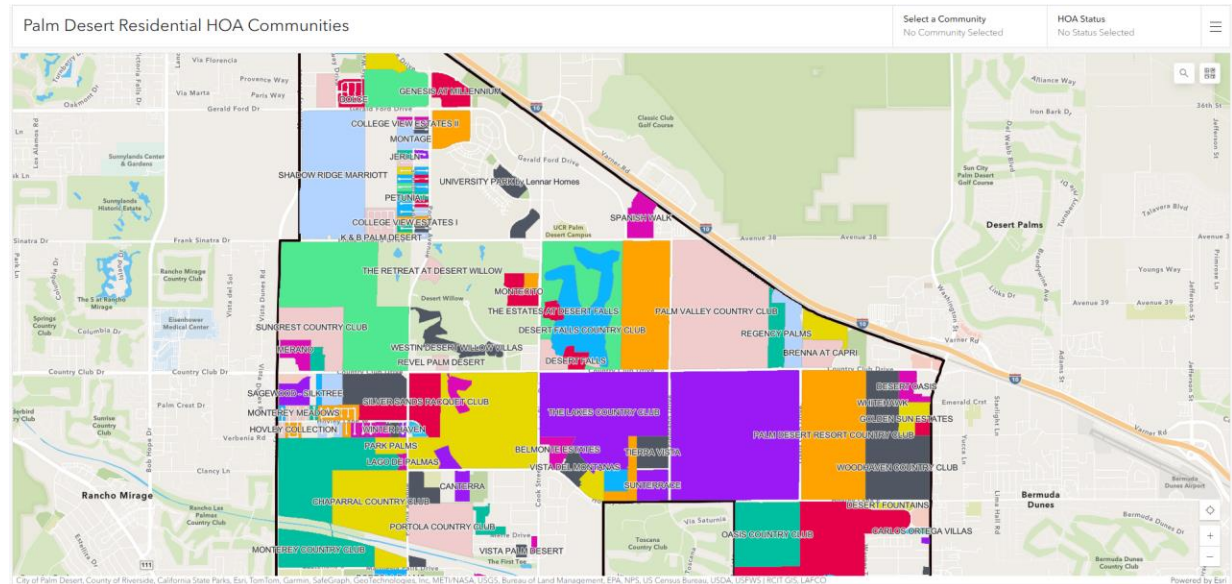
Example – 500' Radius = 78 parcels



Policy # 2 – Homeowner’s Association Notification

- Notices are currently only sent to property owners of record per the assessment.
- City staff is conducting outreach with Homeowner’s Associations and establishing contacts.
- Amend PDMC 25.60.060 to include homeowner’s associations as a part of notification, in addition to property owners.

Below: Screen Capture of Draft HOA Communities Map (Internal)



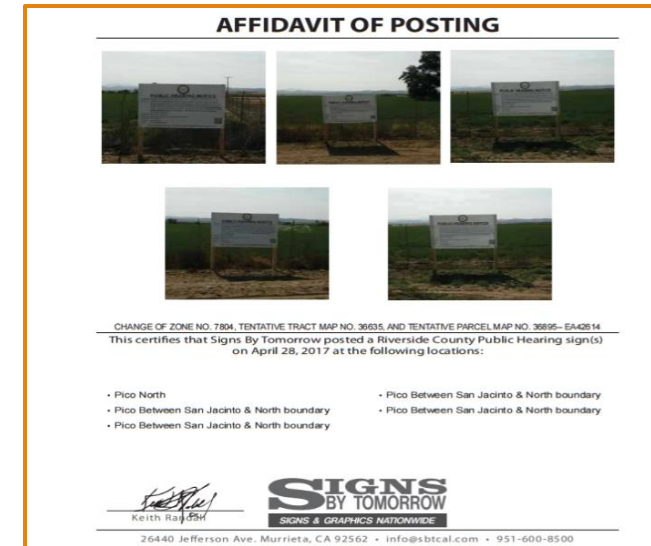
Policy #3 – Pre-Application Community Meeting

- Amend PDMC 25.60.160, and relevant sections, to establish requirement for permit applications going to Planning Commission and/or City Council to submit a pre-application submittal, prior to formal land use application.
 - Intended to resolve concerns early in process and prior to public hearings (5 hearing rule)
- Require applicants conduct a community outreach meeting to engage with residents, property owners, and interested community members as part of pre-application submittal.
- Outline minimum guidelines for community engagement meetings.

Policy #4 –Onsite Sign Posting

- Amend PDMC 25.60.060 to include requirement for a sign to be posted on the site, providing notice of upcoming public hearing.
- Require one sign per street frontage, with discretion for Director to require additional signs if necessary
- Require affidavit for proof of posting

Below: Examples of on-site signage postings and example affidavit.



Policy #5 – Design Review Notice

- Zoning Ordinance is not explicit in requiring notice for Design Review Cases subject to action by the Architectural Review Commission.
- Amend 25.60.060 to explicitly require Public Notice for Design Review cases associated with an entitlement that will require Planning Commission, and/or City Council action.
 - This would also include HOA's of new residential communities when changes are requested after the initial approval.

Other Considerations

- Consider adopting resolution for fees associated with notification included with applications.
 - Increased notification requirements results in increases on:
 - Staff hours for projects (staff prepares notices, and prepares notice envelopes for mailing)
 - Cost of postage (USPS Sets fees– as of 10/24 First Class Postage is \$0.73 for domestic and \$1.65 for international).
 - Sign posting for certain projects
- Enter into contract with qualified local sign vendors for on-site postings, establish standardized specifications and requirements for affidavit, and ensure consistent coordination
- Amend development applications with updated, clear instructions for noticing

Conclusion

- Questions?
- Provide input and feedback on policies:
 - 1. Increase radius to 500'**
 - 2. Notify HOAs within radius of projects**
 - 3. Pre-application neighborhood meeting**
 - 4. Require on-site sign postings of hearing notices**
 - 5. Require notice for ARC design review cases going to Planning Commission, or amendments thereto**