Chapter 17.410
GENERAL APPLICATION PROCESSING PROCEDURES

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17.410.010 Planning Agency

California Government Code Section 65100 requires each jurisdiction to establish a planning agency to carry out the land use and planning functions of the jurisdiction. The City's planning agency shall be the Planning Commission unless otherwise provided in this Chapter. The designated planning agency shall perform all functions required by state law and this Chapter.

A. City Council. The City Council shall have the following land use responsibilities:

1. Appoint members of the Planning Commission pursuant to the provisions of Chapter 2.24 LEMC.

2. Hear and decide applications for land use matters as provided in LEMC 17.410.070. In the event that applications for other land use permits are requested in conjunction with applications requiring City Council approval as provided in LEMC 17.410.070, the City Council shall also be the decision-making body for project-related land use applications.

3. Hear and decide appeals of the decisions of the Planning Commission as provided in LEMC 17.410.070.

4. Direct planning-related policy amendments and special studies as necessary or desired.

5. Exercise such other powers and duties as are prescribed by State law or local ordinance.

B. Planning Commission. The Planning Commission shall have the following land use responsibilities:

1. The Planning Commission shall have the power and duties set forth in LEMC 2.24.050.

2. Hear and make recommendations to the City Council on land use matters as provided in LEMC 17.410.070. In the event that applications for other land use permits are requested in conjunction with applications requiring City Council approval as provide in LEMC 17.410.070, the Commission shall make recommendations to the City Council for all of land use permits.

3. Hear and decide land use applications matters as provided in LEMC 17.410.070.

4. Hear and decide appeals of the decisions of the Community Development Director as provided in LEMC 17.410.070.

5. Exercise such other powers and duties as are prescribed by State law, local ordinance or as directed by the City Council.

C. Community Development Director. The Community Development Director or designee shall have the responsibility to administer and enforce the provisions of this title as follows:

1. Maintain the chapters of this title, zoning map, and all records of zoning actions and interpretations.

2. Advise the City Council, Planning Commission, and City Manager on planning matters.

3. Provide administrative services and staff for meetings of the Planning Commission.

4. Conduct administrative functions authorized by this title, including distribution and receipt of permit applications and corresponding fees, application review and public noticing, preparation of staff reports with recommendations, proposed findings, and proposed conditions of approval.

5. Provide information to the public and facilitate public participation on planning matters and promote an understanding of the General Plan and the regulations related to it.

6. Direct planning-related policy amendments and special studies as necessary or desired.

7. Hear and decide applications for minor design review, large family day care permits, minor exceptions extensions of time for land use permits and variances as provided in this title.

8. The Community Development Director may refer any application described in this Chapter to the Planning Commission when the Community Development Director determines:

a. That the general public interest warrants such referral because the nature or intensity of the project may cause impacts to surrounding areas or the general public;

b. The applicant is not in agreement with staff's recommendations on the project;

c. Public input received on the project indicates a substantial level of community concern;

d. The Planning Commission has requested to review the project;

e. As necessary in order to comply with the California Environmental Quality Act; or

f. As otherwise determined to be warranted by the Community Development Director.

9. Make certain decisions on land use permits and entitlements as identified in the LEMC.

10. Exercise such other powers and duties as are prescribed by State law, local ordinance or as directed by the City Council and/or the City Manager.

17.410.020 Application Submittal

A. All applications for land use and development permits pertaining to this title shall be submitted to the Planning Division on a City application form with the required processing fees. In addition to the completed application form, every application for a land use or a development permit shall include those plans, maps and other information listed on the City application as necessary for that type of permit.

B. Applications shall also include all other information and plans required by the Community Development Director as being necessary for determining whether an application should be approved, approved with modifications or denied. The Community Development Director may also waive the requirement for plans and drawings found to be unnecessary.

C. Applications that are not complete or that lack required fees, plans, maps and other listed information will not be accepted for processing.

17.410.030 Multiple Applications

A. Concurrent Filing. An applicant for a project which requires more than one permit (e.g., Conditional Use Permit and Design Review), shall file all related applications concurrently, together with all application fees, unless the concurrent filing requirement has been waived by the Community Development Director.

B. Concurrent Processing. When a proposed project requires more than one permit with more than one approving authority, all project permits shall be processed concurrently and final action shall be taken by the highest-level designated approving authority for all requested permits in accordance with this Chapter.

17.410.040 Pre-Application Review

A. Purpose. The purpose of a pre-application review is a one-time optional review process that provides project applicants information on relevant policies, regulations and procedures, and identifies significant issues relevant to a proposed project.

B. Request of Pre-Application Review. A request for pre-application review may be submitted to the Planning Division on a City form. A pre-application review request should include plans, maps and other information for which review is requested.

C. Exempt from Permit Streamlining Act. A request for pre-application review shall not be considered a completed application pursuant to the requirements of the California Permit Streamlining Act (Government Code Section 65920 et seq.).

D. Review. The Planning Division shall conduct pre-application review and may consult with or request review by any City department or official with interest in the application.

E. Recommendations are Advisory. The pre-application review and the provision of information, pertinent policies or recommendations are advisory only and shall not constitute or be construed as an approval or denial of a land use or a development permit by the City.

17.410.050 Application review.

A. After acceptance of an application for a land use or a development permit, the Community Development Director or designee will consult with other departments as appropriate to ensure compliance with all provisions of the Lake Elsinore Municipal Code and other adopted policies and plans.

B. The Community Development Director or designee will prepare a report to the designated approving authority describing the project, along with a recommendation to approve, conditionally approve, or deny the application.

17.410.060 Public hearing for permits and entitlements

Except where this title sets forth approval by the Community Development Director of specified applications, a public hearing shall be held by the designated authority as established in LEMC Section 17.410.070, and the Planning and Zoning Law (California Government Code, Sections 65000 through 66390).

17.410.070 Approving Authority

The authority for considering land use and development permits applications is set forth in the following table.

Table XXX Designated Approval Authority [1]			
Application	**Community Development Director**	**Planning Commission[2]**	**City Council**
Accessory dwelling units	X[3]		
Reasonable Accommodation	X[3]		
Minor exceptions	X[3]		
Large family day care	X[3]		
Temporary uses	X[3]		
Sign permit	X[3]		
Conditional Use Permit		X	
Condominiums and condominium conversions		X	
Major design review		X	
Minor design review	X[3]		
Mobilehome park conversions		X	
Uniform sign program		X	
Variances		X	
General Plan and General Plan amendment		Recommendation[4]	X
Specific Plan and specific plan amendments.		Recommendation[4]	X

Zoning amendments: textual or map changes		Recommendation[4]	X
Tentative Maps [5]		Recommendation[4]	X
Final Maps [5]			X

Notes:

1. All listed actions are subject to appeal pursuant to LEMC 17.410.110.

2. The City Council shall receive and file a report of the Planning Commission's action regarding an application as provided herein unless the application is: (i) appealed pursuant to LEMC 17.410.110; or (ii) the City Council determines to review the Planning Commission's action pursuant to LEMC 17.410.110(F).

3. The Community Development Director may elect to elevate review and approval to the Planning Commission as provided in LEMC 17.410.010(C) (8).

4. Recommendations are not subject to appeal.

5. Processed pursuant to the provisions of LEMC Title 16 – Subdivisions.

17.410.080 Notice requirements

A public hearing on an application shall be in accordance with the California Government Code. The City shall provide notice in compliance with the California Government Code and the following.

A. Mailed Notice. At least 10 days before the date of the public hearing or the date of action when no public hearing is required, the Community Development Director, or the City Clerk for hearings before the City Council, shall provide notice by First Class mail delivery to:

1. The applicant and the owner of the subject property;

2. All property owners of record within a minimum 300-foot radius of the subject property as shown on the latest available records of the County Assessor or a larger radius if deemed necessary by the Community Development Director to provide adequate public notification;

3. All neighborhood and community organizations that have previously filed a written request for notice of projects in the area where the site is located;

4. Any person or group who has filed a written request for notice regarding the specific application; and

5. Public departments, bureaus, or agencies which are determined by the Community Development Director to be affected by the application or otherwise requiring notice.

B. Alternative Method for Large Mailings. If the number of owners to whom notice would be mailed or delivered is greater than 1,000, instead of mailed notice, the Community Development Director or City Clerk may provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation in the City at least 10 days prior to the hearing.

C. Newspaper Notice. At least 10 days before the date of the public hearing or the date of action when no public hearing is required or as otherwise required by CEQA, whichever is greater, the Community Development Director, or the City Clerk for hearings before the City Council, shall publish a notice in at least one newspaper of general circulation in the City.

D. Additional Noticing Methods. The City may also require public notice in any other manner it deems necessary or desirable, including, but not limited to, posted notice on the project site.

E. Contents of Notice. The required Mailed Notice and Newspaper Notice shall include the following information:

1. The location of the real property, if any, that is the subject of the application;

2. A general description of the proposed project or action;

3. The date, time, location, and purpose of the public hearing or the date of action when no public hearing is required;

4. The identity of the hearing body;

5. The proposed CEQA determination;

6. The names of the applicant and the owner of the property that is the subject of the application;

7. The location and times at which the complete application and project file, including any CEQA documents prepared in connection with the application, may be viewed by the public;

8. A statement that any interested person may appear and be heard;

9. A statement describing how to submit written comments; and

10. For City Council hearings, the Planning Commission recommendation.

F. Failure to Receive Notification. The validity of the proceedings shall not be affected by the failure of any property owner, resident, or neighborhood or community organization to receive a mailed notice or receive notice by any additional noticing methods.

17.410.090 Record of Decision

A. When making a decision to approve, approve with conditions, revise, revoke or deny any discretionary permit or approval under this title, the designated approving authority shall issue a written Record of Decision and make findings of fact as required by this title. The Record may take the form of a resolution, letter, notice, memo, meeting minutes or similar document, and shall describe the action taken, including any applicable conditions, and shall list the findings that were the basis for the decision. The Community Development Director or the City Clerk shall retain the original Record and provide a copy of the Record to the applicant.

B. A Notice of Decision regarding each Planning Commission action regarding applications shall be filed by the Community Development Director or designee with the City Clerk, together with a

report of the proceedings after the decision. The City Clerk shall place the notice of the decision on the next agenda of the City Council held five or more days after the Clerk receives the notice from the Community Development Director or designee. The City Council shall receive and file a report of the Planning Commission's action unless the application is: (i) appealed pursuant to LEMC 17.410.110; or (ii) the City Council determines to review the Planning Commission's action pursuant to LEMC 17.410.110(F).

17.410.110 Appeals

Any land use decision made in accordance with the provisions of this title by an approving authority other than the City Council may be appealed to the next highest approving authority as set forth in the following table. Actions by the City Council are final and not subject to further appeal to the City.

Table XXX Appeal Authority		
Action by this Authority:	**Shall be Appealed to Authority:**	
	Planning Commission	**City Council**
Community Development Director	X	
Planning Commission		X

A. All appeals shall be filed in writing to the Planning Division on a City appeal form with the required processing fees. The notice of appeal shall set forth: (i) the specific decision appealed from; (ii) the grounds for the appeal; and (iii) the relief or action sought from the Planning Commission or City Council. The filing of an appeal shall stay the issuance of subsequent permit(s) (e.g., building permits).

B. In the event any notice of appeal fails to set forth any information set forth by this section, the Community Development Director may, but is not required to, return the same to the appellant with a statement of the manner in which it is deficient, and the appellant shall thereafter be allowed five (5) days in which to refile the notice of appeal.

C. Notice of Appeal Filing Period.

1. Appeals to the Planning Commission. A Notice of Appeal of an action of the Community Development Director shall be filed within fifteen (15) days following the date of the action or decision for which an appeal is made.

2. Appeals to the City Council. A Notice of Appeal of a Planning Commission action for which an appeal is made shall be filed within fifteen (15) days after the notice of the Planning Commission decision appears on the City Council's agenda.

D. The appeal shall be promptly heard by the appropriate hearing body, provided that such appeal shall be heard no later than sixty (60) days following the submittal of a complete appeal application. The Community Development Director or City Clerk shall give notice of the date, time, and place of the hearing to the appellant, the applicant, and to any other party who has requested in writing to be so notified. In addition, notice of hearing for the appeal shall be provided pursuant to the noticing requirements of LEMC Section 17.410.080.

E. Appeal by a Planning Commissioner or City Council Member. Any member of the Planning Commission or City Council who appeals a land use decision as an individual pursuant to this section shall abstain from participating as a member of the hearing body, but may provide written or oral testimony in the same manner as, and in the time provided for, other members of the general public.

F. Review by the City Council. When notice of the Planning Commission's decision regarding an application appears on the City Council's agenda, the City Council may, by majority vote, elect to review and re-consider the Planning Commission's decision. If the City Council makes such determination, the matter will be set for public hearing and notice of the time and place of the public hearing shall be given pursuant to LEMC 17.410.080.

G. Action by the Hearing Body. Upon hearing the appeal, the hearing body shall consider the record and such additional evidence as may be offered, and may affirm, reverse, or modify, in whole or in part, the order, requirements, decision, determination, interpretation, or ruling being appealed, or may make or substitute such other or additional decision or determination as it may find warranted under the provisions of this Code, the General Plan, or other City requirements or standards. The hearing body is subject to all of the criteria and requirements for making findings imposed upon the original approving authority, including the requirements to complete environmental review.