



DISCRETIONARY CASE PROCESSING

GENERAL INFORMATION SHEET FOR:

- ADMINISTRATIVE RELIEF
- CONDITIONAL USE PERMIT
- MASTER PLAN
- VARIANCE

Some development proposals require approval by the Planning Commission or Zoning Administrator before grading permit or building permit applications may be submitted. The Zoning Ordinance identifies those uses that require a Conditional Use Permit and those zoning districts that require a Master Plan. Requests to allow deviations from development standards, such as Administrative Relief, are other examples of discretionary applications.

This information sheet will explain the general procedures used by the City in reviewing requests for the case types listed above. Staff at the Development Assistance Center can determine if a particular use or development proposal will require discretionary approval. If you have any questions, please call the Development Assistance Center at (949)724-6308.

BEFORE SUBMITTING YOUR APPLICATION

City staff is available to meet informally to explain the City's review process and offer preliminary feedback on land use proposals. In addition, you may receive written comments on a proposed project by opening a Pre-application case. Please see the information sheet on Pre-applications for further details. Information sheets describing the submittal requirements for each application type are available at the Development Assistance Center. The information sheets identify the submittal requirements for each application as well as the findings that must be made by the appropriate decision making body to approve the project.

PURPOSE

The intent of the City's discretionary review process is:

1. To determine the suitability of the site for the proposed use/development. Factors evaluated include compatibility with surrounding land uses, general arrangement of buildings on-site, access and on-site circulation, and environmental constraints.
2. To ensure the proposed use/development will comply with applicable policies, goals and standards (including building intensity standards) set forth in the General Plan, the Zoning Ordinance and other regulatory documents.
3. To prepare environmental documents within the timeframes specified by the California Environmental Quality Act.
4. To identify appropriate conditions of approval to ensure all potential impacts associated with the project can be mitigated to a level of insignificance.

5. To provide opportunities for public input in the planning process.
6. To adopt standard procedures and requirements to the extent possible so that all participants, including citizens, applicants, staff and decision makers, understand the review process and have similar expectations.
7. To process applications within the timeframes mandated by the state of California Permit Streamlining Act.

SCHEDULE

The Zoning Ordinance specifies whether the approval body for a discretionary case will be the Zoning Administrator or the Planning Commission. Discretionary applications that will be reviewed by the Zoning Administrator are typically scheduled for a public hearing within approximately nine weeks of receipt of a complete application. These cases do not involve preparation of detailed environmental studies or documents. Generally, cases to be reviewed by the Planning Commission are more complex or more controversial. Such cases are typically scheduled for final action within approximately sixteen weeks of the date applications are determined to be complete. Project schedules for cases requiring detailed environmental analysis (an Environmental Impact Report) are determined on a case-by-case basis.

COST

You must file a deposit with each development application. Please refer to the information sheet for the specific case type for the amount of deposit. Discretionary applications are reviewed on a cost recovery basis. All staff time spent on the review of your application is charged against the deposit until it is expended down to the minimum deposit amount. Once the deposit funds have been expended, you will receive an invoice each month for staff time and any related consultant charges. Any unused funds remaining in the account at the conclusion of the case will be returned to you.

If you fall more than 60 days behind in payment, no further processing will occur. Pursuant to City Council Resolution No. 90-114, failure to pay processing charges may be grounds for a recommendation of denial of a discretionary case.

Please note that if the applicant for the proposal being submitted owes funds to the City for previous development applications, the current application submittal will not be accepted until the outstanding fees have been paid. For more information contact Hannah Jones, Program Specialist (949) 724-6466.

APPLICATION SUBMITTAL

You may submit discretionary case applications at the Development Assistance Center during City business hours. No appointment is necessary. Staff will review your submittal to ensure all required information is provided. Incomplete submittals will not be accepted.

Following acceptance of your application, the case will be assigned to a planner in Development Services. This planner will be responsible for overseeing the City's review and will serve as your primary contact. Please note that the City may, at its sole discretion, assign your case to a consultant hired to assist the Planning and Development Services Division.

Processing timeframes for determining completeness of development applications are regulated by Section 65943 of the California Government Code. Within 30 days of submittal, staff will review your application and determine in writing whether or not it is complete. If it is incomplete, staff's written determination will specify what is required to complete the application. No further review will occur until all requested information has been provided.

PROJECT REVIEW: THE SCREENCHECK PROCESS

In addition to the planning staff, various City divisions, such as engineering or transportation, will review your application. This review is referred to as a "screencheck". Outside agencies, such as the Irvine Unified School District or the Orange County Fire Authority, may participate in the screencheck process, depending on the nature and location of the proposal.

A. First Screencheck

The first screencheck will take approximately three to five weeks. During this review, staff will identify all changes that need to be made to your proposal to comply with City requirements and policies. The case planner will then forward written "screencheck comments" to you. These comments may include revisions necessary to comply with ordinance requirements; recommended or suggested revisions; requests for clarification; draft conditions of approval; the environmental determination; and any information needed to complete the environmental documents. Staff will be available to meet with you to discuss the comments at your request.

B. Your Response

In order to ensure that cases are processed in a timely manner, timeframes for applicant response have been established. Generally, you must respond to the first screencheck comments within two weeks of receipt of those comments. Failure to respond promptly will affect the staff's ability to complete the environmental documents and will most likely delay the processing of your case. To facilitate compliance with processing timeframes, no case will be permitted to remain inactive for more than 45 days without prior approval of the Manager of Development Services. As used here, inactive means failure of an applicant to respond to screencheck comments or provide requested information.

Your screencheck response must include a letter responding to each comment in detail. This letter must identify the sheet on which requested revisions have been depicted, provide clarification requested, and/or indicate your position on issues raised by staff. Comments on the draft conditions may be offered at this time. In addition to your response letter, you must provide the requested number of revised plans as well as any information requested to complete the environmental documents. You are also asked to identify any other changes that have been made to the plans. Your response may be mailed directly to the case planner or dropped off at the Development Assistance Center during regular business hours.

C. Second Screencheck

The second screencheck review will focus on your response to the first screencheck. If the case planner determines that you have made significant changes to the proposal, the initial screencheck process may need to be repeated. Examples of significant changes include the introduction of new uses that would affect assumptions regarding traffic or parking; modifications that affect the environmental determination; or revisions that require input from divisions that did not review the initial application.

Upon completion of the review of your second submittal, the case planner will isolate any unresolved issues. If necessary, a screencheck meeting will be set up between you, the case planner and any appropriate City staff to address these unresolved issues and to reach a conclusion on them. Where the issues can be resolved, you must make appropriate changes to the case application and/or plans. Where resolution cannot be reached, the case planner, in writing the staff report, will address these outstanding issues and include appropriate recommendations and/or conditions of approval. You will have the opportunity to address the approval body to present your position on these issues during the public hearing.

Staff's intent is to complete the screencheck process with a general concurrence on the application. In some cases, a third screencheck review will be warranted.

PUBLIC NOTICES

With mailing labels you provide, the City will provide notice of the public hearing to all owners and tenants of property within 500 feet of the subject site at least 15 days prior to the hearing. Homeowner's associations will also receive notice. The notice will also be posted at locations designated by the City Council, including the property where the proposed project is to be located. Notice of public meetings held by advisory committees will be posted as required by the Zoning Ordinance.

PUBLIC HEARINGS AND MEETINGS

Discretionary applications are considered by the Zoning Administrator or Planning Commission at a public hearing. Some projects will also require review by an advisory body, such as the Community Services Commission. Final action on the case is taken at a public hearing of the approval body designated by the Zoning Ordinance. Review by advisory and/or approval bodies will commence approximately four weeks following completion of the final screencheck. During this period, the staff reports and resolutions will be prepared and reviewed; the environmental documents will be completed, if necessary; and public notices will be prepared and distributed.

A written staff report will be distributed to the advisory and approval body approximately one week prior to the meeting or hearing. You will also receive a copy of the report at this time. During the hearing, you may address the decision making body. Testimony from any member of the public desiring to speak or submit written comments will also be considered. If the hearing body is not the approval body, a recommendation will be forwarded to the approval body. If the hearing body is the approval body, a resolution outlining the decision will be adopted. The decision may be appealed within 15 days of this action. If no appeal is filed within this timeframe, the approval body's decision is final.

CASE CLOSURE

Following the expiration of the appeal period, you will receive a copy of the resolution approving or denying the project. If the application was approved, a stamped set of plans will also be returned to you. Following receipt of these documents, you are eligible to submit applications for precise grading permits and/or building permits. The case planner will close the file and forward all public documents to the City's Records department. Upon case closure, the City's Fiscal Services Department will prepare a final invoice or return any unused portion of the deposit to you.

QUESTIONS?

If you have any questions regarding these procedures, or how they apply to a particular application, please contact the Development Assistance Center staff at (949) 724-6308.