

Chapter 17.184

DESIGN REVIEW

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17.184.010 Purpose.

The City of Lake Elsinore has deemed a quality physical environment as being necessary for the protection of the public's health, safety and welfare and has therefore enacted this chapter in order to establish a design review process for development proposals and design concepts in order to ensure that new development, or the alteration of existing development, occurs in a manner which enhances the character and quality of surrounding properties and that the scale, special relationships and architectural treatment of structures including materials, colors, and design, visually contribute to the area and environment in which they are located. The design review process is also intended to apply to the ancillary elements of projects such as signs and landscaping in order to ensure that the overall development maintains the same integrity of design as approved for the primary structure(s). [Ord. 772 § 17.82.010, 1986. Code 1987 § 17.82.010].

17.184.020 Design review required.

No building permit shall be issued for, and no person shall commence to use, any structure, including signs, until that structure and its accompanying development has received design review approval pursuant to the provisions of this chapter. [Ord. 772 § 17.82.020, 1986. Code 1987 § 17.82.020].

17.184.030 Application.

Application for a design review shall be filed with the Planning Department on a form prescribed by the Director of Community Development and shall include, but not be limited to, the following data and maps:

A. Name and address of the applicant.

B. Statement that the applicant is the owner or the authorized agent of the owner of the property subject to the design review request. This provision shall not apply to proposed public utility right-of-way.

C. Address and legal description of the property (assessor's parcel number).

D. A list of all owners of property located within 300 feet of the exterior boundaries of the subject property; the list shall be keyed to a map showing the location of these properties.

E. Site plans, scaled and fully dimensioned, indicating the location of all property lines, type and location of all buildings and structures, entrances, parking, landscape areas, signs, walls, and preliminary grading information.

F. Location of existing improvements on adjacent properties and public right-of-way within 100 feet of the site boundaries.

G. Elevations and floor plans for all buildings.

H. A statistical inventory of the project including size of site, number of parking spaces, and coverage information.

I. A statement from the applicant describing the project and its objectives.

J. The Director may require additional information or plans, if necessary, to determine whether a design review should be granted or denied. The Director may also authorize omission of any plans and drawings required by this action if he finds they are not necessary. [Ord. 772 § 17.82.030, 1986. Code 1987 § 17.82.030].

17.184.040 Fees.

A design review application shall be accompanied by a fee established by resolution of the City Council to cover the cost of handling the application as prescribed in this section. [Ord. 772 § 17.82.040, 1986. Code 1987 § 17.82.040].

17.184.050 Hearing.

With the exception of a minor design review as provided herein, ~~the Planning Commission shall hold~~ at least one hearing on each application, for a design review shall be held. The hearing shall be set and notice given as prescribed in Chapter 17.192 LEMC. At this hearing, the Commission shall review the application and drawings submitted and may receive comments from the public concerning the proposed development and the manner in which it will effect the subject property and surrounding properties. [Ord. 772 § 17.82.050, 1986. Code 1987 § 17.82.050].

17.184.060 Scope of design review.

In order to achieve the purpose of this chapter, the following design concepts shall be paramount in the consideration of any design review approval:

- A. The scale and spatial relationship of all structures should be appropriate to the site and to surrounding developments. Structures should be located on their lots so as to create interest and varying vistas as a person moves along the street.
- B. The design concept should complement the quality of existing development and create a visually pleasing, nondetractive relationship between the proposed and existing projects. Garish colors at substantial deviance to the rest of the neighborhood.
- C. Exterior materials should evidence a concern for quality and originality. The use of a particular material should, as a rule, exemplify the special characteristics of the product or be demonstrative of its unique application. Tilt-up panels employing formed design or with exposed aggregate is preferable to smooth-surface or painted panels. Similarly, metal as an enhancement material is acceptable while plain metal buildings are not. Paint, in general, should be considered an enhancement tool but should not be considered a replacement for the use of textured surfaces.
- D. Visible electrical, mechanical and special processing equipment such as vent stacks as well as similar features should be avoided; however, if essential should be screened and said screening should be an integral aspect of the project design.
- E. The design of accessory structures, fences, and walls should be harmonious with the design of the principal structures and should employ compatible building materials.
- F. Projects should demonstrate a respect for a neighboring property's privacy, quiet, function, or views, and elements of the design including, but not limited to, openings, docks, and equipment placement should not be located in such a way as to create a nuisance for an adjoining property.
- G. The project should be designed in such a way that its circulation patterns and parking areas are efficient, and do not impact traffic on adjoining rights-of-way. Adequate on-site parking should be provided and intrinsic maneuvering such as for trucks and for drive-through facilities should be contained entirely on site.
- H. Landscaping should be evenly divided over the site and be visually attractive regardless of the season. In addition to its aesthetic attributes, landscaping should be available to screen parking and storage areas and to shade parking lots.
- I. The project should demonstrate concern for solar orientation and other forms of energy conservation. Deep eaves, overhangs, canopies, and other features that provide shelter and shade should be apparent in the design.
- J. The project should be harmonious with the topography of the site in order to minimize the requirement for grading and the associated disruption of the City's scenic amenities.
- K. The size and scale of signs should be harmonious with the overall design concept of the project and materials and colors should reflect those used for the principal structures. Signs should enhance, not dominate or distract from the appearance of the project. [Ord. 772 § 17.82.060, 1986. Code 1987 § 17.82.060].

17.184.070 Action of the Planning Commission.

The Commission may ~~recommend~~ approve ~~of~~ a design review ~~approval~~ as the project was submitted or may recommend changes in the design or the application may be denied. A design review ~~approval~~ may be ~~recommended~~ approved subject to such conditions as the Commission may prescribe. Conditions may relate to, but are not limited to, site design, including relationship to surrounding uses, functions of buildings or portions of site, setback, coverage, amount of open space, infrastructure improvements; shape, height, and bulk of structures; distances between buildings; architectural design of structure including exterior materials, colors, and textures; location of ancillary equipment; locations of points of ingress and egress; location, amount, and design of parking areas; location and efficiency of truck maneuvering and loading areas; landscaping, including location and general nature; signs including location, size, design, and height; lighting; walls and fences, including location, height, and materials; project grading; and project phasing. [Ord. 772 § 17.82.070, 1986. Code 1987 § 17.82.070].

17.184.080 Findings.

The Commission shall make the following findings before recommending a design review approval:

- A. The project, as approved, will comply with the goals and objectives of the General Plan and the zoning district in which the project is located.
- B. The project complies with the design directives contained in LEMC 17.184.060 and all other applicable provisions of the Municipal Code.
- C. Conditions and safeguards pursuant to LEMC 17.184.070, including guarantees and evidence of compliance with conditions, have been incorporated into the approval of the subject project to ensure development of the property in accordance with the objectives of this chapter and the planning district in which the site is located. [Ord. 772 § 17.82.080, 1986. Code 1987 § 17.82.080].

17.184.090 Action by the City Council.

A report of the ~~findings and recommendations~~ action of the Planning Commission shall be transmitted to the City Council after the Planning Commission hearing, except that denials by the Planning Commission shall be final unless appealed. The City Council shall receive and file the report unless any member of the Council requests to review the item, then it would be scheduled for review as a public hearing, consistent with 17.184.050 at the next regularly scheduled City Council meeting. ~~make its own determination as to whether the proposed project complies with the provisions of LEMC 17.184.080 and may approve, modify, or disapprove the recommendations and actions of the Planning Commission.~~ Any significant modification of the project, not previously considered by the Planning Commission during its hearing may be, but is not required to be, referred to the Planning Commission for report and recommendation. [Ord. 772 § 17.82.085, 1986. Code 1987 § 17.82.085].

17.184.100 Effective date of design review approval.

The decision of the Commission shall be final unless the item has been requested to be reviewed by the City Council or a written appeal is filed with the City Clerk within 15 calendar days from the

date of the decision pursuant to the provisions of Chapter 17.180 LEMC. [Ord. 1194 § 8, 2006; Ord. 772 § 17.82.090, 1986. Code 1987 § 17.82.090].

17.184.110 Appeals.

Decisions on design review applications may be appealed to the City Council in accordance with Section 17.XXX, Appeals.

17.184.120 Concurrent Action.

When a single project incorporates different land uses or features so that this Zoning Code requires multiple land use permit applications, all of the applications shall be filed concurrently, and reviewed, and approved or disapproved, by the highest level review authority to any of the required applications. (For example, a project that requires a Zoning Map amendment and a Conditional Use Permit would be reviewed, and approved or disapproved by the City Council (after a recommendation from the Planning Commission), where a Conditional Use Permit application by itself may be reviewed and acted upon by the Planning Commission.)

17.184.130 Minor design review.

A. ~~The Planning Commission~~ Zoning Administrator may approve, deny, or conditionally approve the following projects subject to the provisions of this section:

1. Additions to commercial and industrial structures or permitted accessory structure in excess of 500 square feet and less than 1,000 square feet.
- ~~2. Single-family detached dwellings, including in-fill and tract developments in approved subdivisions.~~
3. Duplexes not involving more than a total of four units.
- ~~4. Second units pursuant to Chapter 17.56 LEMC.~~

B. The Community Development Director or his designee may approve, deny, or conditionally approve the following projects subject to the provisions of this section:

1. Additions to commercial and industrial structures or the construction of accessory structures of 500 square feet or less in area.
- ~~2. Additions to residential dwellings.~~
2. Alterations to existing structures which do substantially change the appearance of the structure even though the floor area may not be affected (i.e., changes in the shape or exterior materials).
- ~~4. The following residential accessory structures: unenclosed structures such as noncommercial stables, corrals, and appurtenant facilities for the keeping of animals, carports, gazebos, and patio covers (both trellis type and solid) as well as enclosed structures containing less than 600 square feet of floor area such as sheds, cabanas, children's playhouses, and work shops.~~

3. Reconstruction of commercial or industrial structures which have been destroyed or substantially damaged provided said structures were legally in existence and said reconstruction returns the structure to its original size and appearance.

4. Signs pursuant to Chapter 17.196 LEMC.

C. Application and fees for minor design review shall be as prescribed by LEMC 17.184.030 and 17.184.040.

D. The ~~Planning Commission~~ Zoning Administrator or the Director of Community Development shall be empowered to approve a minor design review as the project was submitted or may require changes in the design or may deny the project and instruct the Building Division to issue no building permits for the project.

E. The minor design review approval may be granted subject to such conditions as may be deemed appropriate in accordance with the provisions of LEMC 17.184.070.

F. The ~~Planning Commission~~ Zoning Administrator or the Director shall only approve a minor design review when the findings required by LEMC 17.184.080 can be made.

G. The person submitting the project for minor design review may appeal the Director's decision and/or conditions to the Planning Commission; provided, that said appeal is submitted to the Director of Community Development within 15 calendar days. The Planning Commission shall hear the appeal in the same manner prescribed for a "design review" pursuant to the provisions of this chapter. Planning Commission decisions may be appealed to the City Council by filing a written appeal with the City Clerk within 15 calendar days from the date of the decision pursuant to the provisions of Chapter 17.180 LEMC. No construction related to the minor design review shall commence prior to Planning Commission approval or, if appealed, City Council approval.

H. The Planning Commission, Zoning Administrator or Director of Community Development may also elect to submit any minor design review to the Planning Commission when, in the Director's opinion, any of the following may be applicable:

1. The project may significantly affect properties other than the applicant's and additional public notification and input is warranted.
2. The project requires an environmental impact report or a negative declaration.
3. The project may be generally controversial within the Community.
4. The project to proceed will need the benefit of a variance.

I. Unless specific provisions are specified for minor design review, for the general administrative purposes of this chapter, the terms "design review" and "minor design review" shall be interchangeable. [Ord. 1194 § 9, 2006; Ord. 847 § 1, 1988; Ord. 772 § 17.82.100, 1986. Code 1987 § 17.82.100].

17.184.140 Lapse of design review approval and time extensions.

A. A design review approval shall lapse and become void two years following the date on which the design review became effective, unless one of the following: (1) prior to the expiration of two years, a building permit related to the design review is issued and construction commenced and diligently pursued toward completion; or (2) prior to the expiration of two years, the applicant has applied for and has been granted an extension of the design review approval pursuant to subsections (B) and (C) of this section. Notwithstanding conditions to the contrary, a design review granted pursuant to this chapter shall run with the land for this two-year period, subject to any approved extensions, and shall continue to be valid upon a change of ownership of the site which was the subject of the design review application.

B. The expiration date of an approved design review may be extended for no more than two years. The first extension may be granted for one year subject to the approval of the Community Development Director after consultation with other City departments if such design review complies with current laws, standards and policies. The second one-year extension may be granted by the approving body (i.e., City Council, Planning Commission) that approved the underlying design review so long as the design review complies with current laws, standards and policies.

C. Application for extensions of time shall be filed prior to the expiration of the initial design review approval and accompanied by a fee in an amount as established by resolution of the City Council.

D. Any design review approval granted on or after July 1, 2007, up to the effective date of the ordinance codified in this section shall lapse and become void two years following the date on which the design review became effective, unless one of the exceptions set forth in subsection (A) of this section is satisfied; then, in which case, the life of the design review shall be extended in accordance with subsections (B) and (C) of this section. [Ord. 1255 § 1, 2008; Ord. 772 § 17.82.110, 1986. Code 1987 § 17.82.110].

17.184.150 Modification of design review approval.

Any alteration or expansion of a project for which there has been a design review approval as well as all applications for modification or other change in the conditions of approval of a design review shall be reviewed according to the provisions of this chapter in a similar manner as a new application. [Ord. 772 § 17.82.120, 1986. Code 1987 § 17.82.120].

17.184.160 Reapplication.

Following the denial of a design review application or the revocation of a design review approval, no application for a design review for the same or substantially the same design concept on the same or substantially the same site shall be filed within one year from the date of denial or revocation of the design review. [Ord. 772 § 17.82.130, 1986. Code 1987 § 17.82.130].

17.184.170 Occupancy.

No occupancy which has received a design review or minor design review approval shall be occupied or used in any manner or receive a certificate of occupancy until the Director of Community Development has determined that all conditions of approval have been complied with. [Ord. 772 § 17.82.140, 1986. Code 1987 § 17.82.140].