



CITY OF MENIFEE

SUBJECT: Introduction of an Ordinance Amending Municipal Code Title 2, Chapter 2.20, Section 2.20.150, Appeals Procedures and Section 2.20.160, City Council Referral back to the Planning Commission

MEETING DATE: July 19, 2023

TO: Mayor and City Council

PREPARED BY: Doug Darnell, Principal Planner

REVIEWED BY: Cheryl Kitzerow, Community Development Director

APPROVED BY: Armando G. Villa, City Manager

RECOMMENDED ACTION

1. Find Code Amendment No. LR23-0097 exempt from further environmental review under the California Environmental Quality Act (CEQA) and direct staff to file a Notice of Exemption; and
2. Introduce an ordinance approving Code Amendment LR23-0097, amending Municipal Code Title 2, Chapter 2.20, Section 2.20.150, Appeal Procedures and Section 2.20.160, City Council Referral back to the Planning Commission.

DISCUSSION

The proposal is a City-initiated amendment to the Municipal Code provisions related to Appeal Procedures and City Council Referral back to the Planning Commission. Specifically, the amendment involves changes to the current 30-day time limit for holding a public hearing on appeal requests, and to the current 40-day time limit for the Council to hear back from the Planning Commission on City Council referrals to the Planning Commission.

Appeal Procedures: The City occasionally receives appeal requests requiring staff to review, evaluate, research, analyze, and provide a recommendation for the appeal, as well as prepare a Staff Report and legal notice for public hearing, which may involve substantial time and effort to prepare, and can vary depending on the level of complexity.

The proposed amendment will increase the timeframe for holding a public hearing on an appeal from 30-days to 60-days from the date of appeal request. The 60-day timeframe is proposed because it provides a more reasonable timeframe to prepare for a public hearing, as 30-days is

insufficient time for staff to adequately process an appeal request and meet established City Council Staff Report submission deadlines of approximately 3.5 weeks prior to a City Council meeting.

City Council Referral back to Planning Commission: The amendment to provisions related to City Council Referral Back to Planning Commission removes language establishing a maximum of 40 calendar days that City Council would need to hear back from Planning Commission on an item referred back to the Commission. This change is proposed because the 40-day time limit does not provide flexibility to allow more time that would likely be needed for scheduling a matter for a Planning Commission agenda and then the City Council agenda while allowing enough time for preparation of staff reports, including report submission deadlines for each agenda. In lieu of the 40-day time limit, the Code will continue to include language that states, “the City Council shall specify a time period within which the Planning Commission shall report back to the City Council.” This will allow a flexible timeframe as deemed appropriate by the Council on a case-by-case basis.

Environmental Review

Staff has reviewed the proposed Municipal Code Amendment in accordance with the California Environmental Quality Act (CEQA) Guidelines and has determined that the Code Amendment is Exempt pursuant to sections 15060(c)(2) and 15061(b)(3) of the CEQA Guidelines, in that the proposed changes are not anticipated to result in a direct or reasonably foreseeable indirect physical change in the environment and will not have the potential of creating a significant effect on the environment.

Public Notice

The proposed Project was noticed on July 9, 2023, for the July 19, 2023, City Council hearing. The public notices were published within *The Press Enterprise*.

STRATEGIC PLAN OBJECTIVE

Thriving Economy

FISCAL IMPACT

There is no additional fiscal impact associated with the recommended action.

ATTACHMENTS

1. Ordinance