

Chapter 19.650 - APPROVING AND APPEAL AUTHORITY

19.650.010 - Purpose.

This chapter identifies the designated Planning Agency, as identified in Chapter 19.050 (Administrative Responsibility), for the review of the land use development permits and actions required by the Zoning Code.

(Ord. 7331 §101, 2016; Ord. 6966 §1, 2007)

19.650.020 - Designated approving authority.

A. General provisions.

1. The Approving and Appeal Authority, as designated in Table 19.650.020 (Approving and Appeal Authority), shall approve (in full or in part), conditionally approve (in full or in part), modify or deny (in full or in part) applications in accordance with the requirements of the Zoning Code.
2. Table 19.650.020 (Approving and Appeal Authority) identifies both recommending (R) and final (F) authorities for each application.
3. When a proposed project requires more than one permit, the permits shall be processed pursuant to Section 19.650.030 (Concurrent Processing of Land Use Development Permits).

B. Appeals.

An action of the Approving or Appeal Authority may be appealed pursuant to procedures set forth in Chapter 19.680 (Appeals).

C. Approval authority on referral.

1. Referral by the Community & Economic Development Department Director, or his/her designee, or the Development Review Committee.
 - a. The Community & Economic Development Department Director, or his/her designee, or the Development Review Committee, instead of taking any action, may refer the matter to the Planning Commission.
 - b. The action of the Planning Commission, following referral, may be appealed to the City Council.
 - c. Action taken by the City Council is not subject to an appeal.
2. Community & Economic Development Department Director, or his/her designee, decisions.
 - a. All administrative and discretionary decisions of the Community & Economic Development Department Director, or his/her designee, shall be transmitted to the City Council.
 - b. Within ten days of the decision, the Mayor, or any member of the City Council, may refer the matter for consideration as follows:
 - (1) A request to refer the item for City Council consideration shall be made to the Community & Economic Development Director or his/her designee.
 - (2) The filing of a referral request shall stay finalization of the action being referred and the issuance of subsequent permit(s).

- (3) The referral request shall be placed on the agenda for the next available City Council meeting, per all noticing requirements, as a Discussion Item to consider the referral request.
 - (a) If a majority of Councilmembers agree, the referral shall be placed on the next available City Council agenda, per all noticing requirements, for consideration; or
 - (b) If a majority of Councilmembers do not agree, the referral will not be heard by City Council, and the decision of the Community & Economic Development Department Director shall be final.
 - c. If not referred by the Mayor or any member of the City Council, or otherwise appealed, within ten days of transmittal, the action of the Community & Economic Development Department Director, or his/her designee, is final.
3. Development Review Committee decisions.
 - a. All decisions of the Development Review Committee shall be transmitted to the City Council.
 - b. Within ten days of the decision, the Mayor, or any member of the City Council, may refer the matter for consideration as follows:
 - (1) A request to refer the item for City Council consideration shall be made to the Community & Economic Development Director or his/her designee.
 - (2) The filing of a referral request shall stay finalization of the action being referred and the issuance of subsequent permit(s).
 - (3) The referral request shall be placed on the agenda for the next available City Council meeting, per all noticing requirements, as a Discussion Item to consider the referral request.
 - (a) If a majority of Councilmembers agree, the referral shall be placed on the next available City Council agenda, per all noticing requirements, for consideration; or
 - (b) If a majority of Councilmembers do not agree, the referral will not be heard by City Council, and the decision of the Community & Economic Development Department Director shall be final.
 - c. If not referred by the Mayor or any member of the City Council, or otherwise appealed, within ten days of transmittal, the action of the Development Review Committee is final.
4. Planning Commission Administrative and Discretionary Items.
 - a. All decisions of the Planning Commission on administrative and discretionary items shall be transmitted to the City Council the next business day following Planning Commission action.
 - b. Within ten days of the decision, the Mayor, or any member of the City Council, may refer the matter for consideration as follows:
 - (1) A request to refer the item for City Council consideration shall be made to the Community & Economic Development Director or his/her designee.
 - (2) The filing of a referral request shall stay finalization of the action being referred and the issuance of subsequent permit(s).

(3) The referral request shall be placed on the agenda for the next available City Council meeting, per all noticing requirements, as a Discussion Item to consider the referral request.

(a) If a majority of Councilmembers agree, the referral shall be placed on the next available City Council agenda, per all noticing requirements, for consideration; or

(b) If a majority of Councilmembers do not agree, the referral will not be heard by City Council, and the decision of the Planning Commission shall be final.

c. If not referred by the Mayor or any member of the City Council, or otherwise appealed, within ten days of Planning Commission action, the action of the City Planning Commission is final. (See Section 19.690.020 A - Effective Date of Permits and Actions).

(Ord. 7331 §101, 2016; Ord. 7091 §5, 2010; Ord. 6997 §7, 2008; Ord. 6966 §1, 2007)

Table 19.650.020 Approving and Appeal Authority

**R = Recommending Authority; F = Final Approving Authority (unless appealable); A = Appeal Authority;
AR = Approving Authority as Community & Economic Development Department Director or Development Review
Committee on Referral**

Type of Permit or Action	Approving and Appeal Authority			
	Community & Economic Development Department Director	Development Review Committee (DRC)	City Planning Commission ^(9,11)	City Council ^(1,11)
Administrative				
Design Review		F ⁽³⁾	A/AR ⁽³⁾	A ⁽³⁾ /F
Fair Housing and Reasonable Accommodation		F	AR	A ⁽⁴⁾ /F
Minor Conditional Use Permit		F	A ⁽⁴⁾ /AR	A ⁽⁴⁾ /F
Nonconforming Determination	F		A ⁽⁴⁾ /AR	A ⁽⁴⁾ /F
Recycling Center Permit	F			AR/A/F
Room Rental Permit	F		AR	A/F
Street, Alley, & Walkway Vacations (Summary)				F
Temporary Use Permit	F ⁽⁵⁾			
Time Extensions	F		A/AR	A/F
Transportation Demand Management Regulations	F			A/F
Variance	F		A ⁽⁴⁾ /AR	A ⁽⁴⁾ /F
Zoning Code Interpretation	F		A/AR	A/F
Public Hearing				
Accessibility Appeals (Building Official decisions relating to access)			F	A/F
Airport Land Use Commission Appeals				A ^(10, 12) /F
Annexation or Detachment			R ⁽⁶⁾	A/F
Conditional Use Permit			F ^(6, 9)	A/F
Condominium Conversion Permit			R ⁽⁶⁾	A/F
Development Agreement and Amendment ⁽⁸⁾			R ⁽⁶⁾	A/F
Design Review			F ⁽³⁾	A/F ⁽³⁾

Type of Permit or Action	Approving and Appeal Authority			
	Community & Economic Development Department Director	Development Review Committee (DRC)	City Planning Commission ^(9,11)	City Council ^(1,11)
Floodplain Approval; Floodplain Variance			F	A/F
General Plan Text/Map Amendment			R ^(6, 9)	A/F
Planned Residential Development Permit			F ^(6, 9, 13)	A/F
Site Plan Review Permit			F ⁽⁶⁾	A/F
Specific Plan and Amendments			R ^(6, 9)	A/F
Street, Alley, & Walkway Vacations			R ⁽⁶⁾	A/F ⁽⁷⁾
Street Name Change			R ⁽⁶⁾	A/F
Traffic Pattern Modification Measures			R ⁽⁶⁾	A/F ⁽⁷⁾
Zoning Code Text/Map Amendment			R ^(6, 9)	A/F

Notes:

1. Decisions of the City Council are final and cannot be appealed.
2. Reserved.
3. Planning Commission primary design review responsibility is limited to concurrent review with another case for which the Planning Commission has approval authority (Refer to Section 19.710.035 - Review Responsibilities of Planning Commission or Community & Economic Development Department Director). Appeal of Planning Commission action on design review is by the full City Council.
4. See Section 19.650.020.C - Designated Approving Authority.
5. Appeal of an action on a Temporary Use Permit shall be to the City Manager. The City Manager's decision is final.
6. If denied by the Planning Commission, the action is final unless appealed to the City Council (See Section 19.680.020.B - Appeal Authority) with the exception of City-initiated General Plan Text/Map Amendments, Zoning Code Text/Map Amendments and Specific Plan Amendments where the Planning Commission is a Recommending Authority only.
7. Street vacations and traffic pattern modification measures require two actions at the City Council: adoption of a resolution of intent to hold a public hearing and a public hearing.
8. See Government Code Section 65864 for more information on Development Agreements.
9. All decisions by the Planning Commission to approve or deny a permit or action are by simple majority of the members present and voting, with the following exceptions:
 - a. Conditional Use Permits, including revocations, and Planned Residential Development Permits require approval by a 2/3 majority of the Planning Commissioners present and voting; and
 - b. Zoning Code Text/Map Amendments, General Plan Text/Map Amendments, and Specific Plan Amendments require a majority vote of not less than four Planning Commissioners present and voting.
10. All decisions of the City Council to approve or deny a permit or action are by a majority vote of those present and voting except that a 2/3 vote of the total membership (five votes minimum) is required to approve an appeal of a decision of the Airport Land Use Commission (ALUC).
11. All tied votes of the Planning Commission mean that an application failed to be approved and will be treated as a denial. When a tie vote exists before the City Council, the Mayor shall have the voting right as any member of the City Council and may cast a vote for or against an item to break a tie. In the Mayor's absence, in the event of a tie vote, the Mayor Pro Tempore shall not have the right to cast a tie-breaking vote; in this instance the City Council vote shall be treated as a denial (Riverside City Charter - Article IV, Section 405).
12. Refer to Section 19.680.030 (E) for details regarding the ALUC appeal process
13. The final decision-making authority for PRD's in the RC Zone shall be the City Council.

(Ord. 7528 §1(Exh. A), 2020; Ord. 7487 § 2(Exh. A), 11-5-2019; Ord. 7331 §101, 2016; Ord. 7222 §5, 2013; Ord. 7163 §2, 2012; Ord. 7091 §6, 2010; Ord. 6966 §1, 2007)

19.650.030 - Concurrent processing of land use development permits.

- A. When a proposed project requires more than one permit application with more than one Approving or Appeal Authority, all project permits shall be processed concurrently as interrelated permits for a single project.
- B. The highest designated Approving or Appeal Authority for all such requested permits shall take final action on applicant-initiated projects with multiple permits.

(Ord. 7331 §101, 2016; Ord. 6966 §1, 2007)