

Sec. 1130. Appeals

1130.a. Purpose

To implement the California Government Code (_____), which governs the establishment of procedures for the filing, processing and hearing of appeals on actions or decisions of a City department, agency, or Approving Authority.

1130.B. Applicability

Any person having legal standing, including but not limited to an applicant, resident, business owner, or any person owning real property within the City, that is aggrieved by an interpretation, action or decision made pursuant to this Zoning & Development Code by any City agency or department, or by an Approving Authority, may appeal such action to the Appeal Authority in accordance with the provisions of this Section.

1130.C. Appeals

1. Appeal Authority

- a. The Appeal Authority for all legislative actions, discretionary permits and actions, and ministerial permits and decisions, is hereby established pursuant to *Sec. 1100.A. (Summary of Review Authority)* of this Zoning Code.
- b. The Appeal Authority for an administrative interpretation, action, or decision made by any City agency or department head regarding any matter prescribed or governed by this Zoning Code may be appealed to the Planning Commission, except as otherwise prescribed by this Zoning Code.

2. Appeal Procedure

- a. An appeal request must be filed with the City Clerk or designee on a City application form, along with any appropriate fees established by resolution of the City Council, within 20 calendar days following the action or decision being appealed. The appeal must include a statement identifying the specific action or decision of the Approving Authority that is being appealed, the specific grounds for the appeal, and the relief requested from the Appeal Authority.
- b. An appeal of an action or decision by the Approving Authority must be limited to those matters raised during the hearing and contained in the appeal statement.
- c. Upon receipt of an appeal request, copies of the request and supporting information must be set for hearing before the Appeal Authority within 45 days (30 days for a tentative subdivision map) following the filing of the appeal request. The Appeal Authority must set the matter for hearing, which must be noticed and conducted pursuant to *Sec. 1120. (Public Hearings)*.
- d. Upon receipt of an appeal request, the Planning Manager must prepare the record on the subject matter of the appeal, including any staff reports and meeting minutes, and transmit the record to the Appeal Authority. The Planning Manager must also prepare a written report responding

to the appeal statement, containing a recommendation on the appeal and appropriate findings supporting the recommendation, along with any appropriate conditions of approval. The report must be made available to the Appellant at least 72 hours prior to the hearing before the Appeal Authority, not including additional information.

- e. Within 30 days (10 days for a tentative subdivision map) following the conclusion of the hearing, the Appeal Authority must render its decision on the appeal. The Appeal Authority may deny the appeal or may grant the appeal in whole or in part, along with any conditions it deems necessary to protect the public health, safety and general welfare. The decision must include all required findings.