Article 46 Appeals and Calls for Review

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4601 Purpose and Authorization for Appeals and Calls for Review

A. Appeals. To avoid results inconsistent with the purposes of this ordinance, decisions of the Planning Director may be appealed to the Planning Commission, and decisions of the Planning Commission may be appealed to the City Council. Decisions of the Redevelopment Director may be appealed to the Community Development Commission.

B. Calls for Review. As an additional safeguard to avoid results inconsistent with the purposes of this ordinance, decisions of the Planning Commission may be called up for review by the City Council.

4602 Rights of Appeal

Rights of appeal are prescribed in the individual articles of this ordinance authorizing each decision that is subject to appeal.

4603 Time Limits for Appeals and Calls for Review

A. Appeals by Applicant Only. Appeals of decisions appealable only by an applicant shall be initiated within 10 days of the date of the decision, except that in the instance where a time extension application for a Tentative Map is denied, the subdivider shall initiate an appeal within 15 days of the date of the denial decision, pursuant to the State Subdivision Map Act.

B. Appeals by Interested Parties. Appeals of decisions appealable by any interested party shall be initiated within 10 days of the decision, except that in the instance where a time extension application for a Tentative Map is denied, an interested party shall initiate an appeal within 15 days of the date of the denial decision. No other persons other than an applicant or an interested party may appeal a decision.

C. Time Limits. When the appeal period ends on a weekend or holiday, the time limits shall be extended to the next working day.

D. Calls for Review. Calls for review of decisions shall be initiated prior to the end of the appeal periods prescribed by Subsections (A), (B), and (C), which is the effective date of the decision to be reviewed.

4604 Initiation of Appeals and Calls for Review

A. Filing of Appeals. An appeal of a Planning Director decision shall be filed in writing with the Planning Department and shall be accompanied by the required fees. In filing an appeal, the appellant shall specifically state the reasons or justification for an appeal.

An appeal of a Redevelopment Director decision shall be filed in writing with the City Clerk and shall be accompanied by the required fees. In filing an appeal, the appellant shall specifically state the reasons or justification for an appeal

An appeal of a Planning Commission decision shall be filed in writing with the City Clerk and shall be accompanied by the required fees. In filing an appeal, the appellant shall specifically state the reasons or justification for an appeal.

In all cases, the reasons or justifications given by the appellant shall form the basis on which the appeal hearing before the appropriate appellate body shall focus. Issues not raised by the appellant in the written appeal cannot be considered in the appeal hearing.

The requirement of a fee for an appeal shall be waived for the following circumstances:

1. The appeal of a Planning or Redevelopment Director or a Planning Commission decision is filed within the specified time period and is accompanied by the signatures of 50% of the property owners within the noticed area or 25 signatures of the property owners or tenants within the noticed area, whichever is less.

2. The appeal is for a Planning or Redevelopment Director interpretation as per Section 240 of this

Ordinance.

3. The appeal is for a Planning or Redevelopment Director decision on an application where the submitted application did not require a fee.

B. Calls for Review. A call for review shall be filed in writing by at least two members of the City Council with the City Clerk specifically stating the reasons for such review. No fee shall be required.

C. Effect on Decisions. Decisions that are appealed or called up for review shall not become effective until the appeal is resolved, as provided in Section 4605.

4605 Procedures for Appeals and Calls for Review

A. Appeal Hearing Date. An appeal filed by an applicant or interested party shall be scheduled for a hearing before the appellate body within 30 days of the Clerk's receipt of an appeal unless otherwise specified by State Law.

A call for review filed by at least two members of the City Council shall be scheduled for a hearing before the appellate body within 30 days of the Clerk's receipt of a call for review unless otherwise specified by State Law.

B. Notice and Public Hearing. An appeal or review hearing shall be a public hearing if the decision being appealed or reviewed required a public hearing. Notice of public hearings shall be given in the manner required for the decision being appealed.

C. Plans and Materials. At an appeal or review hearing, the appellate body shall consider only the same application, plans, and related project materials that were the subject of the original decision and only the issue(s) raised by the appeal or the call for review. Compliance with this provision shall be verified prior to or during the hearing by the Planning Director.

D. Hearing. At the hearing, the appellate body shall review the record of the decision and hear testimony of the appellant, the applicant, and any other interested party.

E. Decision and Notice. After the hearing, the appellate body shall affirm, modify, or reverse the original decision. When a decision is modified or reversed, the appellate body shall state the specific reasons for modification or reversal. Decisions on appeals or review shall be rendered by adoption of a resolution. The Planning Director shall mail notice of a Planning Commission decision and the City Clerk shall mail notice of a City Council decision. Such notice shall be mailed within seven (7) working days after the date of the decision to the applicant, the appellant, and any other party requesting such notice.

4606 Effective Date

A decision by the City Council regarding an appeal or review shall become final on the date of the decision. A decision by the Planning Commission regarding an appeal shall become final on the date of the decision, unless appealed to the City Council.

4607 New Application

Following a decision on an appeal at the City Council level or an action taken on a decision called for review, an application may not be filed with the Planning Department for any matter or project that is the same or substantially similar for a period of one year, unless the decision is made without prejudice.