



APPEAL PROCESS

GENERAL PROCEDURES FOR THE APPEAL PROCESS OF PLANNING COMMISSION DECISIONS (per Article 46 of the Zoning Ordinance)

Planning Commission final decisions that can be appealed to the City Council:

**Development Plans
Tentative Maps
Parcel Maps**

**Conditional Use Permits
Regular Coastal Permits
Variances**

Planning Commission recommendations that are subject to hearing and final action by the City Council:

General Plan Amendments

Zoning Amendments

Time Limits for Appeals

Appeals of Planning Commission decisions by an applicant or interested party shall be initiated within 10 calendar days of the Commission's final action adopting the resolution (within 20 calendar days if the project is located in the appealable area of the coastal zone). The resolution is generally adopted at the same meeting of the Planning Commission following the close of the public hearing on a planning project. However, in some cases, the resolution may be adopted at a subsequent meeting after the close of the public hearing.

Filing of Appeals

Any appeal of a final Planning Commission action shall be filed with the City Clerk within the time limit established for the appeal period pursuant to Zoning Ordinance Article 46 (10 calendar days from the adoption of the resolution as noted above or 20 calendar days if within the appealable area of the coastal zone). The appeal must be in writing on the required City form from the City Clerk and must clearly state the reasons for the appeal. The appeal fee, if applicable, must be filed with the written appeal. Appeals are to be filed with the City Clerk's Office at the Civic Center, 300 North Coast Highway, Oceanside, California 92054-2885. The appeal fee shall be waived if the appeal application is accompanied by the signatures of at least 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, supporting the appeal.

Call for Review

An alternative to filing an appeal is available to City Councilmembers. The procedure is known as a "Call for Review." Within 10 calendar days (or 20 calendar days if within the appealable area of coastal zone) of the Planning Commission final decision, at least two councilmembers may file with the City Clerk a "Call for Review" of the Commission's decision. A "Call for Review" filed by at least two members of the City Council shall be scheduled for a public hearing before the City

Council. This hearing will be conducted in a similar manner to an appeal hearing. Any project applicant or member of the public may request the City Council to initiate a “Call for Review” in lieu of filing a formal appeal. Requests by the City Council to initiate a “Call for Review” shall be submitted to the City Clerk’s office in writing and must indicate contact information of the requestor, the application number and name of the project of interest, the date of Planning Commission final action, and the reason(s) for requesting a “Call for Review.” Please contact the City Clerk’s office at (760) 435-3001 for further information.

Hearing Procedures for Appeals

1. Within 30 days of the City Clerk’s receipt of an appeal, the staff shall set the date for the City Council public hearing of the appeal.
2. The appeal shall be subject to a City Council public hearing. The notice of the public hearing shall be consistent with City Council Policy 300-14 (Enhanced Notification Program).
3. The City Council regularly meets on scheduled Wednesdays and Public Hearings are normally set for 6:00 p.m., or as soon thereafter as the City Council's agenda permits.
4. At the appeal hearing, the City Council shall consider only the same application, plans, and related project materials that were the subject of the Planning Commission decision and only the issue(s) specifically raised by the appeal.
5. At the appeal hearing, the City Council shall review the record of the decision and hear testimony of staff, the appellant, the applicant and any other interested party.
6. At the appeal hearing, the City Council shall affirm, modify, or reverse the Planning Commission’s decision. No new application shall be submitted to the Planning Division for a project that is substantially similar to the project appealed, for a period of one year unless the decision is made without prejudice.

Please do not hesitate to contact staff at the City Clerk’s Office (760) 435-3001 or the Planning Division at (760) 435-3520 if you have any questions regarding the appeal process.