

CHAPTER 10.84 APPEALS

10.84.010 Purpose and Authorization

In the event that an applicant or others affected wish to contest an action made by the Community Development Department, Community Development Director, Zoning Administrator, Historic Landmarks Board or Planning Commission relevant to the administration of this Title, they may file an appeal as described below.

- A. Administrative Decision.** Any aggrieved party may appeal decisions made by the Community Development Department or Community Development Director to the Planning Commission. Administrative decisions include the following:
1. Determinations on the meaning or applicability of the provisions of this Title, pursuant to Section 10.12.090 (Nature and Interpretation of Zoning Ordinance).
 2. Determinations that an application or submittal information is incomplete, pursuant to Section 10.50.060 (Initial Review of Applications) and California Government Code §65943.
 3. Decisions on Zoning Permits or Administrative Design Review Permits. An administrative decision regarding a Zoning Permit shall be prominently posted on the project site by the applicant within 24 hours of the decision and shall remain posted for a period of ten (10) days.
- B. Zoning Administrator Decision.** Any aggrieved party may appeal decisions made by the Zoning Administrator to the Planning Commission.
- C. Historic Landmarks Board Decision.** Any aggrieved party may appeal decisions made by the Historic Landmarks Board to the City Council.
- D. Planning Commission Decision.** Any aggrieved party may appeal decisions made by the Planning Commission to the City Council.

While an appeal is pending, the establishment of the proposed structure or use shall be held in abeyance.

10.84.020 Right of Appeal

Right of appeal is prescribed in the individual chapters of this Title authorizing each decision that is subject to appeal. Generally, individuals that meet the following criteria shall be deemed to be an aggrieved party and shall have standing to appeal decisions:

- A. Any person affected or aggrieved by a Community Development Department administrative action or interpretation.
- B. Any person or party affected or aggrieved by a decision of the Zoning Administrator, Historic Landmarks Board, or Planning Commission.

A representative of a City department presenting departmental recommendations at a hearing shall not be authorized to appeal a decision rendered at such hearing.

10.84.030 Filing and Time Limit of Appeals

Appeals shall be filed in the Community Development Department within ten (10) calendar days of the date of the decision being contested. Appeals shall be in writing and shall include reasons and evidence indicating the grounds for the appeal. Appeals shall be subject to the applicable processing and noticing fees.

10.84.040 Public Notice and Hearing

- A. Public Hearing Required.** The Planning Commission or City Council, as applicable, shall hold a public hearing on an appeal. 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.
- B. Notice.** Notice of public hearings shall be given in the manner required for the decision being appealed.

10.84.050 Notice of Decision

Following public hearing, the appellate body shall affirm, modify or reverse the original decision. Written notice of the decision shall be mailed to the applicant and to the appellant. City Council may also remand any portion of the appeal to the Planning Commission for reconsideration.

10.84.060 Effect of Failure to Give Notice

No action, inaction or recommendation regarding any proposed development by the Planning Commission or City Council shall be held void or invalid or be set aside by any Court by reason of error or omission pertaining to the notices, including the failure to give any notice required by this section, unless the Court after an examination of the entire case shall be of the opinion that the error or omission complained of was prejudicial, and that by reason of such error or omission the party complaining or appealing sustained and suffered substantial injury, and that a different result would have been probable if such error or omission had not occurred or existed. There shall be no presumption that error or omission is prejudicial or that injury was done if error or omission is shown.

10.84.070 Effective Date of Appealed Actions

- A.** A decision by the City Council regarding an appeal shall become final on the date action was taken by the City Council.
- B.** A decision by the Planning Commission regarding an appeal shall become final ten (10) calendar days after the date of the decision, unless appealed to the City Council.

10.84.080 New Appeal

Following denial of an appeal, the appellate body shall not consider any proposal that is substantially the same as that denied within one year, unless otherwise specified.