
Chapter 20.64 – Appeals

Sections:

- 20.64.010 – Purpose
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- 20.64.030 – Filing and Processing of Appeals
- 20.64.040 – Judicial Review of City Decision

20.64.010 – Purpose

The purpose of this Chapter is to provide procedures for the appeal of determinations and decisions of the Director, Zoning Administrator, Hearing Officers, and Planning Commission.

20.64.020 – Appeals

- A. **Director.** Interpretations of the Director may be appealed to the Planning Commission.
- B. **Zoning Administrator.** Decisions of the Zoning Administrator may be appealed to the Planning Commission.
- C. **Hearing Officer.** Decisions of a Hearing Officer may be appealed to the Council.
- D. **Planning Commission.** Decisions of the Commission may be appealed to the Council.

20.64.030 – Filing and Processing of Appeals

- A. **Eligibility.** Appeals may be initiated by any interested party.
- B. **Timing and form of appeal.** An appeal shall be submitted in writing and shall state the facts and basis for the appeal.
 - 1. **Filing an appeal.** An appeal shall be filed with the Director or City Clerk, as applicable, within 14 days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code (e.g., Title 19 allows 10 day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers).
 - a. Appeals addressed to the Commission shall be filed with the Director on forms provided by Department; and
 - b. Appeals addressed to the Council shall be filed with the City Clerk on forms provided by the Clerk.
 - 2. **Filing fee.** An appeal shall be accompanied by the filing fee identified in the City's Master Fee Schedule.

C. Report, scheduling, noticing, and conduct of hearing.

1. The decision from which an appeal has been made has no force of effect as of the date on which the appeal is filed. When an appeal has been filed, the Director shall prepare a report on the matter, including all of the application materials in question, and schedule the matter for a public hearing by the appropriate review authority identified in Section 20.64.020 (Appeals), above.
2. Notice of the hearing shall be provided, and the hearing shall be conducted, in compliance with Chapter 20.62 (Public Hearings).
3. Conduct of hearing.
 - a. Review of an appeal from a decision of the Zoning Administrator or Commission shall be de novo. Review of an appeal from a decision of a Hearing Officer shall be whether the findings made by the Hearing Officer are supported by substantial evidence presented during the evidentiary hearing. On review, the Council may sustain, reverse, or modify the decision of the Commission or Hearing Officer, or remand the matter for further consideration, which remand shall include either specific issues to be considered or a direction for a new hearing.
 - b. The review authority is not bound by the decision that has been appealed or limited to the issues raised on appeal.
 - c. The review authority shall hear testimony of the appellant, the applicant, and any other interested party.
 - d. The review authority shall consider the same application, plans, and project related materials that were the subject of the original decision, unless otherwise deemed relevant by the review authority.

D. Decision on appeal.

1. As provided in this Zoning Code, the review authority may, based upon findings of fact about the particular case:
 - a. Affirm, affirm in part, or reverse the action, determination, or decision that is the subject of the appeal. Adopted findings shall identify the reasons for the action on the appeal;
 - b. Adopt additional conditions of approval that may address issues or concerns other than those that were the basis of the appeal; or
 - c. Deny the permit approved by the previous review authority, even where the appellant only requested a change or elimination of one or more conditions of approval.
2. If new or different evidence is presented on appeal, the Commission or Council may refer the matter to the previous review authority for further consideration.

3. In the event of a tie vote by the review authority on an appeal, the decision being appealed shall stand.

20.64.040 – Judicial Review of City Decision

A person shall not seek judicial review of a City decision on a permit or other matter until all appeals to the Commission and Council have been first exhausted in compliance with this Chapter.

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