



## APPEAL TO CITY COUNCIL

Filing Fee: 25% of original application fee(s), not less than \$131 nor greater than \$666. To assist in processing the appeal, all applications and documentation relating the the appeal must be type written.

TO: CITY COUNCIL  
City of Vacaville

Date: \_\_\_\_\_

Name of Appellant: \_\_\_\_\_

Address: \_\_\_\_\_

Nature of Appeal: On request for a \_\_\_\_\_

On Application No. \_\_\_\_\_, Dated \_\_\_\_\_

Please explain in detail where there was an error or abuse of discretion by Staff or where the action taken is not supported by the evidence in the record:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Appellant

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### For Office Use Only

City Council Action: \_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

## **CODE REFERENCE – VACAVILLE LAND USE AND DEVELOPMENT CODE**

### **SECTION 14.09.030.120 APPEALS**

- A. Applicability. Any action by the Planning Commission or Director of Community Development in the administration or enforcement of the provisions of the Zoning Ordinance may be appealed in accordance with this Section. Failure to exhaust all administrative remedies as specified in this Section may jeopardize an appellant's opportunities to seek any subsequent remedy.
  - 1. Decisions of the Director of Community Development. The Planning Commission is the appeal body for decisions of the Director of Community Development.
  - 2. Decisions of the Planning Commission. The City Council is the appeal body for decisions of the Planning Commission.
- B. Who May File an Appeal. Any interested party may appeal a final action of the Director of Community Development or Planning Commission during the appeal period set forth in this Code.
- C. Call for Review. In lieu of filing an appeal, members of the City Council and the Planning Commission, the City Manager, and the Director of Community Development may call an action for review prior to expiration of the appeal period, as detailed below. A call for review is not subject to the appeal filing requirements or payment of a filing fee. The call for review otherwise will be processed as an appeal.
  - 1. Any member of the Planning Commission may call for review any action of the Director of Community Development. The application will be heard by the Planning Commission.
  - 2. Any member of the City Council may call for review an action of the Director of Community Development or the Planning Commission. The application will be heard by the City Council, unless the City Councilor requests that an action of the Director of Community Development be heard by the Planning Commission.
  - 3. The City Manager or Director of Community Development may call for review an action of the Planning Commission. The application will be heard by the City Council.
- D. Time Limits. Unless otherwise specified in State or federal law, all appeals shall be filed in writing within 10 calendar days of the date which the action was taken, except for Minor Use Permits, which have a five calendar days appeal period. In the event an appeal period ends on a Saturday, Sunday, or any other day the City is closed, the appeal period shall end at the close of business on the next consecutive business day.
- E. Procedures for Filing an Appeal. The appellant shall file the appeal on a form specified by the Director of Community Development. The appeal shall include the following:
  - 1. An appeal fee as specified by Council resolution;
  - 2. Reference to the action that is being appealed;
  - 3. A written description of the specific grounds for the appeal, including why the appellant contends the action is not in accordance with this Code, where there was an error or abuse of discretion, where the record includes inaccurate information, or how a decision is not supported by evidence in the record;
  - 4. A description of how the appellant requests the action be reversed or modified; and
  - 5. An appeal is void upon failure to adequately provide any of the requirements above, subject to the determination of the Director of Community Development.
- F. Appeal Hearing and Standards of Review.
  - 1. The hearing on the appeal shall be a new hearing. Any party may appear and provide additional testimony or evidence.
  - 2. The hearing shall be held according to review body's hearing process.
  - 3. When reviewing any decision on appeal, the appeal body shall use the same standards for decision-making required for the original decision. The appeal body may adopt the same decision and findings as were originally approved; it also may request or require changes to the application as a condition of approval.
- G. Decision on Appeal. The appeal body may affirm, modify, or reverse the prior action. The appeal body shall base its decision on the applicable standards and criteria. The appeal body shall adopt findings supporting its decision based on the criteria.

- H. Effect of Approval While an Appeal is Pending.
1. Approvals shall be suspended if an appeal is filed in accordance with the provisions of this Section pending resolution of the appeal.
  2. Prior to expiration of the appeal period, and prior to an appeal being filed under this Section, the applicant may be issued building permits or construction permits and commence work or operation and provided the following to occur:
    - a. The Director of Community Development determines there were no written comments or oral testimony during the public comment period or hearing that would indicate substantive opposition to the decision rendered;
    - b. The applicant submits a written waiver of right to appeal the decision and acknowledgement that any work done is at the applicant's risk, as indicated in Section 14.09.030.130, Duty to Indemnify and Defend City, below;
    - c. If an approval is modified by a subsequent appeal, the project shall be redesigned or altered to be consistent with the required change; and
    - d. If approval is overturned by a subsequent appeal, all permits issued become void and the applicant shall be responsible for removing any structure, portion of a structure, or improvements constructed to date.
- I. Scheduling the Appeal. An appeal shall be scheduled for public hearing on the next available Planning Commission agenda, as determined by the Director of Community Development, or, if applicable, on the next available City Council agenda, as determined by the City Clerk.
- J. Notice. The Director of Community Development or the City Clerk shall provide notice of the public hearing in accordance with the provisions of Section 14.09.030.070, Public Notice. Notice shall be given to the same persons and agencies as when the action was originally taken on the project, to the appellant, and to any persons submitting written comments prior to the original action.