



APPEAL TO CITY COUNCIL

Filing Fee: 25% of original application fee(s), not less than \$117 nor greater than \$579. 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 the Planning Commission or where the action taken is not supported by the evidence in the record:

Signature of Appellant

For Office Use Only

City Council Action: _____

Date: _____ Signature: _____

Section 14.09.072.100 Appeal Process.

Any interested party may appeal an action on a project. Interested party includes, but is not limited to, members of the City Council and the Planning Commission, the City Manager, and the Director. Appeals filed by any of the above mentioned four bodies shall not be subject to a filing fee.

- A. Approvals shall be suspended if an appeal is filed in accordance with the provisions of this section.
 - 1. Following the effective date of approval but prior to the expiration of the appeal period, an applicant may apply for a building permit but does so at the applicant's own risk that an appeal may be filed within the designated time period:
 - a. No permit shall be issued or use established on the subject site unless the Director determines that the subject of the appeal would not affect the construction or operation of the project as approved;
 - b. If an approval is modified by a subsequent appeal, the project shall be redesigned or altered to be consistent with the required change;
 - c. If a permit is issued prior to an appeal being filed and the approval is overturned by a subsequent appeal, all permits issued become void and the applicant shall be responsible for removing any structure or portion of a structure constructed to date.
- B. An appeal to an action by the Director shall be heard by the Planning Commission. The appeal shall be filed with the office of Community Development within 10 calendar days of the Director's action, unless otherwise specified in Table 14.09.072.02 of this chapter.
- C. An appeal to an action by the Planning Commission shall be heard by the City Council. The appeal shall be filed with the City Clerk's office within 10 calendar days of the Commission's action.
- D. Appeals shall be filed as follows:
 - 1. An appeal shall be filed on a form specified by the Director and accompanied by the applicable fees. Each appeal shall be accompanied by a separate fee;
 - 2. The appeal shall state specifically why a determination or interpretation is not in accordance with the purposes of this Development 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;
 - 3. Notice shall be provided to the same persons and agencies and in the same manner as given when the action was originally taken on the project;
 - 4. An appeal shall be scheduled for public hearing on the next available Planning Commission agenda, as determined by the Director, or, if applicable, on the next available City Council agenda, as determined by the City Clerk. The Director or the City Clerk shall provide notice of the public hearing in accordance with the provisions of Section 14.09.072.060 of this chapter;
 - 5. The Planning Commission or City Council, as the appellate body, shall affirm, modify, or reverse the decision being appealed. Specific reasons shall be given if a decision is modified or reversed;
 - 6. The discussion of the appeal shall be limited during the public hearing to only those items raised on the appeal application, except as follows:
 - a. New items, not identified on the appeal application form, may only be discussed if the appellant demonstrates to the satisfaction of the decision-maker on the appeal, that:
 - i. The new items are based on information that was not known or readily available at the time the appeal was filed; and
 - ii. The items do not involve issues that could have been, but were not raised at the original hearing.
 - b. The determination of whether the new items will be discussed during the hearing shall be made by the decision-maker on the appeal and shall be final and binding.
- E. Failure to exhaust all administrative remedies as specified in this section, may jeopardize an appellant's opportunities to seek any subsequent remedy. (Ord. 1564, §8, 1996)