



Date Received

Filing Fee

Applicant: \$ 1,659⁶⁴

Non-applicant \$ 664⁰⁷

Tree Appeal: \$ 119⁹⁹

For Office Use

Received by: _____

APPEAL TO THE CITY COUNCIL

SECTION 1. APPELLANT INFORMATION

Name Mailing Address and Zip Code

Phone Fax

Representative's Name Mailing Address and Zip Code

Title Phone Fax

SECTION 2. SUBJECT OF APPEAL

1. In accordance with the procedures set forth in Title 1, Chapter 1.20 of the San Luis Obispo Municipal Code (copy attached), I hereby appeal the decision of the:

(Name of Officer, Committee or Commission decision being appealed)

2. The date the decision being appealed was rendered: _____

3. The application or project was entitled: _____

4. I discussed the matter with the following City staff member:
_____ on _____
(Staff Member's Name and Department) (Date)

5. Has this matter been the subject of a previous appeal? If so, when was it heard and by whom:

SECTION 3. REASON FOR APPEAL

Explain specifically what action/s you are appealing and why you believe the Council should consider your appeal. Include what evidence you have that supports your appeal. *You may attach additional pages, if necessary. This form continues on the other side.*

Reason for Appeal continued

SECTION 4. APPELLANT'S RESPONSIBILITY

The San Luis Obispo City Council values public participation in local government and encourages all forms of citizen involvement. However, due to real costs associated with City Council consideration of an appeal, including public notification, all appeals pertaining to a planning application or project are subject to the following **filing fee, which must accompany the appeal form: Applicant = \$ 1,659.64, Non-applicant = \$ 664.07, Tree Appeal = \$ 119.99.**

Your right to exercise an appeal comes with certain responsibilities. If you file an appeal, please understand that it must be heard within 45 days from filing this form, except for matters arising under Chapter 17.66 of the zoning code which shall be governed by that Chapter. You will be notified in writing of the exact date your appeal will be heard before the Council. You or your representative will be expected to attend the public hearing, and to be prepared to make your case. Your testimony is limited to 10 minutes.

A continuance may be granted under certain and unusual circumstances. If you feel you need to request a continuance, you must submit your request in writing to the City Clerk. Please be advised that if your request for continuance is received after the appeal is noticed to the public, the Council may not be able to grant the request for continuance. *Submitting a request for continuance does not guarantee that it will be granted; that action is at the discretion of the City Council.*

I hereby agree to appear and/or send a representative to appear on my behalf when said appeal is scheduled for a public hearing before the City Council.

(Signature of Appellant)

(Date)

This item is hereby calendared for _____

- cc: **City Attorney**
 City Manager
 Department Head
 Advisory Body Chairperson
 Advisory Body Liaison
 City Clerk (original)

Chapter 1.20 APPEALS PROCEDURE

Sections:

1.20.010 Title.

1.20.020 Right to appeal.

1.20.030 Time within which to file an appeal.

1.20.040 Hearing - Notice.

1.20.050 Hearing - Appellant to show cause - Council's determination final.

1.20.010 Title.

This chapter shall be known as the "Appeals Procedure" for the city. (Prior code § 1400)

1.20.020 Right to appeal.

A. Except where an appeals procedure is otherwise specifically set forth in this code, any person objecting to the approval, denial, suspension or revocation of a license, permit or entitlement of any nature, the determination or issuance of which is under any of the provisions of this code, or to any administrative decision made by any city official, if the approval, denial, suspension or revocation of such license, permit or entitlement or the determination of such administrative decision involves the exercise of administrative discretion or personal judgment exercised under any of the provisions of this code, may appeal in writing to the council by filing with the city clerk a written notice of such appeal, stating the specific grounds for the appeal.

B. No appeal may be taken to any such administrative decision made by a city official under the provisions of this chapter unless such decision to appeal has been first taken up with the department head concerned, and where an appeals board is empowered to consider interpretation and enforcement questions, unless such decision to appeal has been considered by such appeals board.

C. No right of appeal to the council from any administrative decision made by a city official under any of the provisions of this code shall exist when such decision is ministerial and thus does not involve the exercise of administrative discretion or personal judgment exercised under any of the provisions of this code, whether the administrative decision involves the approval, denial, suspension or revocation of a license, permit, entitlement or any other administrative decision. (Ord. 1044 § 1, 1985: prior code § 1401)

1.20.030 Time within which to file an appeal.

The appellant shall file a notice of appeal with the city clerk within ten calendar days after the date upon which the administrative decision appealed from is made. In the event the last day of the filing period falls on a nonbusiness day, the appeal period shall be extended to include the next business day, and this rule shall apply whenever an appeal procedure is specifically set forth elsewhere in this code. (Prior code § 1402)

1.20.040 Hearing - Notice.

Upon receipt of the filing of the notice of appeal in its proper form, the city clerk shall place the matter on the council agenda. Except in cases of emergency, when the council may determine the matter immediately, or where state law prescribes a different appeal process, the clerk shall set the matter for hearing at the next reasonably available council meeting, but in no event later than forty-five calendar days after the date of the filing of such notice of appeal with the city clerk. The city clerk shall cause written notice of such hearing to be given to the applicant not less than five business days prior to such hearing, unless such notice is waived in writing by the applicant. (Ord. 1252 § 1, 1994: prior code § 1403)

1.20.050 Hearing - Appellant to show cause - Council's determination final.

At such hearing the appellant shall show cause on the grounds specified in the notice of appeal why the action appealed from should not be approved. The council may continue the hearing from time to time, and its findings on the appeal shall be final and conclusive in the matter. (Prior code § 1404)