



City of Hemet

PLANNING DIVISION
445 E. Florida Avenue, Hemet, CA 92543
(951) 765-2375
www.cityofhemet.org

Application No.: **APL**

Date Received: _____

Received By: _____

APPLICATION TO APPEAL A DECISION BY THE PLANNING COMMISSION TO THE HEMET CITY COUNCIL

Case Number of Application Decision Being Appealed: _____

Date of Planning Commission Decision: _____

A. APPLICANT/APELLANT INFORMATION

Applicant/Company: _____

Applicant Address: _____

City, State, Zip Code _____

Contact Name: _____

Contact Title: _____

Phone Number: _____

Email: _____

APPLICANT/APELLANT AUTHORIZATION

Applicant/Appellant Signature

Date

B. APPLICATION SUBMITTAL REQUIREMENTS

- 1. Signed application form.
- 2. Processing fee pursuant to the latest adopted fee schedule.
- 3. A letter signed and dated by the applicant that addresses each of the following:
 - a. Specific action appealed
 - b. Specific grounds of the appeal
 - c. Relief or action sought from the City Council
 - d. Address where notice can be sent to the appellant

C. APPLICANT NOTIFICATIONS

1. An appeal application must be filed within ten calendar days of the Planning Commission's decision.
2. The appeal will be scheduled for a public hearing before the City Council as soon as reasonably possible, but no later than the next regular City Council meeting which occurs 45 days after a complete notice of appeal has been filed.
3. The City Council may affirm, modify, or reverse the Planning Commission's decision, making findings required by the Hemet Municipal Code and/or State law. The decision of the City Council is final.

D. ATTACHMENT

1. Hemet Municipal Code Chapter 2 (Administration), Article 2 (City Council), Sections 2-38 through 2-43.

HEMET MUNICIPAL CODE CHAPTER 2 (ADMINISTRATION), ARTICLE II (CITY COUNCIL)

Sec. 2-38. - Appeals to city council.

- (a) Except when an appeals procedure is otherwise specifically set forth in this Code, any person objecting to the denial, conditional approval, suspension or revocation of a permit, license or other approval pursuant to any provision of this code, or to any discretionary decision made by any official, commission or board of the city, may appeal in writing to the city council by filing with the city clerk a written notice of such appeal.
- (b) No right of appeal to the city council from any administrative decision made by any official, board or commission of the city pursuant to any provision of this Code shall exist when such decision is ministerial or involves a matter of protocol and thus does not involve the exercise of discretion or personal judgment, whether the administrative decision involves the denial, conditional approval, suspension or revocation of a permit, license, approval or any other administrative decision. There shall be no such right of appeal with regard to law enforcement activities involving state law.

(Ord. No. 1773, § 1(Exh. A), 2-13-07)

Sec. 2-39. - Notice of appeal.

- (a) The notice of appeal must be filed by the appellant no later than ten days from the date the action was taken which gives rise to the appeal.
- (b) The notice of appeal shall set forth the:
 - (1) Specific action appealed from;
 - (2) Specific grounds of the appeal;
 - (3) Relief or action sought from the city council; and
 - (4) Address where notice can be sent to the appellant.

In the event any notice of appeal fails to set forth any information required by this section, the city manager or his or her designee shall return the same to the appellant with a statement explaining how it is deficient, and the appellant shall thereafter be allowed five days in which to perfect and refile the notice of appeal.

- (c) Except in those instances where an appeal is filed by the city manager or other public official pursuant to official duties, the written notice of appeal shall be accompanied by such fee as may be established by resolution of the city council.

(Ord. No. 1773, § 1(Exh. A), 2-13-07)

Sec. 2-40. - Notice of hearing.

Upon the timely filing of a notice of appeal in proper form and with all required information, the city clerk shall schedule the matter as soon as reasonably possible, but no later than the next regular city council meeting which occurs 45 days after a complete notice of the appeal has been filed according to [section 2-39](#). The city clerk shall cause notice thereof to be given to the appellant not less than ten days prior to such hearing. The city clerk shall also cause a copy of the notice of appeal to be transmitted to the official, board or commission whose decision has been appealed from.

(Ord. No. 1773, § 1(Exh. A), 2-13-07)

Sec. 2-41. - Appeal hearing.

- (a) The hearing shall be limited to the specific grounds set forth in the written appeal. The city council shall review the matter under a de novo standard of review. The appellant and the city manager or his or her designee shall have the right to offer testimonial, documentary and tangible evidence bearing on those grounds, be represented by counsel, and confront and cross examine witnesses. The city council shall not be bound by the formal rules of evidence. The city council may establish additional procedures not in conflict with the provision of this subsection. The hearing may be continued from time to time.
- (b) The city council is authorized to take testimony and in the course of so doing is authorized to administer oaths or affirmations pursuant to California Code of Civil Procedure § 2093(a).
- (c) The city council may inspect the premises involved in the hearing prior to, during or after the hearing, provided that:
 - (1) Notice of such inspection shall be given to the parties before the inspection is made.
 - (2) The parties are given an opportunity to be present during the inspection.
 - (3) The city council shall state for the record during the hearing, or file a written statement after the hearing for inclusion in the hearing record, upon completion of the inspection, the material facts observed and each conclusion drawn from such facts.
 - (4) Each party shall have the right to rebut or explain the matters referenced by the city council either during the hearing or by filing a written statement after the hearing for inclusion in the hearing record.

(Ord. No. 1773, § 1(Exh. A), 2-13-07)

Sec. 2-42. - Decision on appeal.

Within 45 days after the conclusion of the appeal hearing, the city council shall act on the appeal and the city clerk shall deposit in the U.S. mail, certified mail, return receipt requested, addressed to the appellant at the address shown on the appeal application, written notice of the decision, including a factual statement of the findings upon which the decision was based. The notice of decision must include a reference to the appellant's right to prompt judicial review under California Code of Civil Procedure § 1094.8.

(Ord. No. 1773, § 1(Exh. A), 2-13-07)

Sec. 2-43. - Judicial review.

The action of the city council shall be final unless timely judicial review is sought pursuant to California Code of Civil Procedure § 1094.8.

(Ord. No. 1773, § 1(Exh. A), 2-13-07)