



City of Temple City

APPEAL FORM

APPEAL OF A PLANNING COMMISSION OR COMMUNITY DEVELOPMENT DIRECTOR DECISION

APPELLANT INFORMATION:

Name: _____

Address: _____

Phone: _____ E-mail: _____

APPEAL TYPE:

- Appeal of Planning Commission decision
- Appeal of Community Development Director decision

PROJECT INFORMATION:

Project Type: _____ Project No.: _____

Project Address: _____

Date of Decision: _____

REASON FOR APPEAL:

State the reason or reasons why you are appealing the decision. Please be specific. Attach separate pages, if necessary.

APPELLANT SIGNATURE:

I certify that the information on this form is true and accurate to the best of my knowledge.

Signature: _____ Date: _____

FOR OFFICIAL USE ONLY

Staff Name: _____ Receipt No.: _____ Date: _____



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FOR STAFF REFERENCE

MOST COMMON APPLICATIONS

CONDITIONAL USE PERMITS AND ZONING VARIANCES

9-1F-26: APPEALS:

The applicant, or any other person, who owns real property or resides within the public hearing noticing boundary (300 feet for residential zones and 500 feet for other zones) of the property lines to which the variance or conditional use permit application relates, and who is aggrieved by the decision of the planning commission in conjunction with action taken on a variance or conditional use permit, may file a written letter of appeal with the city clerk together with a filing and processing fee, prior to the commission's action becoming final, appealing the decision of the planning commission to the city council. Upon receipt of such written letter of appeal, together with said fee, the city clerk shall set the matter for a public hearing before the city council. Notices of such hearing shall be given by the clerk in the manner described in section [9-1F-23](#) of this article and shall include all members of the city council, the planning commission, applicant, and all who appeared at the planning commission meetings with regard thereto.

The city council, by motion, carried by at least three (3) votes, made at any time prior to effective date of the planning commission's resolution, may appeal to itself, any planning commission decision on a variance or conditional use permit. A motion of the council to this effect shall be deemed an appeal from the decision of the commission for all purposes. No appeal may be withdrawn except by the appealing party, with the consent of the applicant and the city council.

The council shall have the authority, at any time prior to its final determination upon an appeal from a planning commission decision, to refer said matter back to the planning commission for reconsideration. The council may instruct the planning commission to conduct an additional public hearing in order to accept new evidence relating to such matter. (1960 Code; amd. Ord. 00-854; Ord. 01-857)

SITE PLAN REVIEW

9-1E-4: APPEALS:

- A. Appeal Authority: Decisions of the director on site plan review applications may be appealed to the planning commission. Decisions by the commission may be appealed to the city council.
- B. Appeal Initiation, Filing, Content: Appeals may be initiated by an applicant, any resident of the city, or any person owning real property in the city aggrieved by a decision of the director. A notice of appeal shall be in writing and shall be filed in the office of the city clerk upon forms provided by the city. An appeal from decision, determination, or interpretation of the director in the administration of the provisions of this article must set forth specifically the error or abuse of discretion claimed by the appellant or how an application did meet or fail to meet, as the case may be, the standards of this article.
- C. Appeal Hearing And Notice: Once filed, the appeal shall be held before the planning commission at their next meeting where the noticing requirements can be met. Appeal hearings shall be noticed in accordance with section [9-1F-23](#) of this chapter.
- D. Commission Decision: On an appeal from a decision of the director, the planning commission shall consider the matter at a public hearing and may affirm, reverse or modify the decision of the director. If the applicant or any other party as defined in subsection B of this section is dissatisfied with the decision of the commission, they may within a fifteen (15) day time period, appeal the same to the council, in the same manner as an appeal is taken from the decision of the director. An appeal to the council shall be filed with the city clerk. (Ord. 13-980)

LOT SPLIT

9-2-14: LOT SPLIT PROCEDURE:

Appeal Of Planning Commission Decision: Any interested person may appeal the action of the planning commission with reference to a lot split application by filing a written letter of appeal with the city clerk, describing therein the



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basis for such appeal; the city clerk shall not accept such a letter of appeal unless a filing and processing fee, as set by city council resolution, has been paid, and such letter of appeal is filed with the clerk within not to exceed fifteen (15) calendar days following the planning commission's action. Upon receipt of a timely filed appeal, the city clerk shall place the matter on the city council's agenda at its next most convenient meeting.

OTHER APPLICATIONS

FAST TRACK MODIFICATION COMMITTEE

9-1C-2: APPLICATION AND FEES

A decision of the FTMC upon any FTM may be appealed by any interested resident to the planning commission in the manner set forth for other appeals, and from there to the city council as elsewhere set forth in this code; and the council shall have the authority to call for a review (RFR) as provided in the zoning code. Upon the filing of any appeal or review, such FTMC's resolution shall be immediately vacated and the application (upon payment of the remainder of any applicable fees) shall be processed by the planning commission as though this section had never existed. (Ord. 00-844)

CLARIFICATION OF AMBIGUITY

9-1D-5: CLARIFICATION OF AMBIGUITY:

If an ambiguity shall be found with reference to regulations contained herein, the director shall make a determination or interpretation. The property owner or the applicant may appeal the director's decision within ten (10) days by submitting a written letter of appeal to the secretary of the commission. The commission shall then consider the matter and adopt a resolution. The decision of the commission shall be final and conclusive, in the absence of an appeal to the council. If dissatisfied with the decision of the commission, the appellant may appeal the same to the council within ten (10) days; said appeal shall be in writing and shall be filed with the city clerk. The city council action shall govern the interpretation of the affected provisions of the code, to which the same relates, until such time as an appropriate amendment thereto has been duly adopted. (1960 Code; amd. Ord. 94-760)

ZONING MAP AMENDMENT

9-1G-5: APPEAL:

The decision of the commission in the case of a denial of a request, shall be final and conclusive, in the absence of an appeal, as hereinafter provided, at twelve o'clock (12:00) noon on the twentieth day after the adoption of its resolution, or at twelve o'clock (12:00) noon of the day, following the next regularly scheduled meeting of the city council, whichever occurs first. Any person aggrieved by the decision of the commission in such cases, may appeal the same to the city council by filing a written letter of appeal with the city clerk together with a filing and processing fee in the sum of one hundred four dollars (\$104.00); or the council, by motion, adopted by not less than three (3) affirmative votes, may set such matter for a hearing de novo before it; in such cases, the matter shall be deemed appealed to the council for all purposes.

Upon the filing of an appeal the city clerk shall immediately advise the director thereof, who shall thereupon transmit to the city clerk the commission files in connection with said matter. (1960 Code)

ABATEMENT OF A NON-CONFORMING USE

9-1H-3: NONCONFORMITY; ABATEMENT AND TERMINATION:

Order Of Abatement: Where any one of the facts set forth in subsection A of this section are found to exist by the director of planning, or where he finds that the abatement period, as to a building or structure, as set forth in subsection B of this section, has expired, he shall give a written order of abatement to the owner and person in possession of the property, if any. Said order shall be deemed final and shall be complied with, within thirty (30) days after the mailing thereof, in the absence of an appeal, as hereinafter provided.

Appeals: An appeal may be filed with the secretary of the planning commission within thirty (30) days after the mailing of such order by the planning director. Any person who is the owner, or has any ownership interest in property to which such order relates, may file an appeal. Upon receipt of an appeal, the planning commission shall



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give notice of hearing, and shall conduct the same in the manner prescribed herein, with reference to zone variances and conditional use permits. At the time and place set for the hearing the commission shall give the appealing party a reasonable opportunity to be heard; said commissioner may consider any applicable staff reports in order to determine the question of whether the said use, building or structure has lost its nonconforming status pursuant to the provisions hereof. The commission's decision shall be final and conclusive in the absence of an appeal to the city council in the time and manner set forth herein with reference to zone variances and conditional use permits. (1960 Code)

DETERMINATION OF A FRONT YARD

9-1M-12: STANDARDS OF DEVELOPMENT

Front Yard Determination: In any of the following situations at the time of any new construction or development or at the request of any property owner seeking clarification the front yard and front yard setback shall be determined by the community development director. Any decision of the director may be appealed to the planning commission and any decision of the planning commission may be appealed to the city council in accordance with the procedures established by sections [9-1F-24](#) through [9-1F-29](#) of this chapter.

DESIGN GUIDELINES

9-1M-15: SINGLE-FAMILY RESIDENCE CONSTRUCTION REQUIREMENTS

If, on the other hand, a property owner, builder or developer cannot or will not comply with a substantial portion of the goals established by said guidelines, then permits may be denied by the community development department. Any such denial may be appealed to the planning commission via the procedures set forth in the site plan review process. Any action of the planning commission may also be appealed to the city council via the procedure set forth in the site plan review process.

PRECISE PLAN

9-1R-6: PRECISE PLAN:

Appeals: The procedure for appeals shall be the same as set forth in sections [9-1F-26](#), [9-1F-28](#), [9-1F-29](#) and [9-1F-30](#) of this chapter.

ADULT ORIENTED BUSINESSES

9-1T-3-17: APPEAL OF DENIAL; SUSPENSION OR REVOCATION:

After denial of an application for an adult oriented business regulatory permit or an adult oriented business performer permit, or after denial of renewal of a permit, or suspension or revocation of a permit, the applicant or person to whom the permit was granted may seek review of such administrative action in accordance with the municipal code.

A. If the denial, suspension or revocation is affirmed on review, the applicant, permittee may seek prompt judicial review of such administrative action pursuant to California Code Of Civil Procedure section 1094.5. The city shall make all reasonable efforts to expedite judicial review, if sought by the permittee.

B. The time limits set forth in subsection [9-1T-3-11D](#) of this article shall prevail. (Ord. 99-835)

REASONABLE ACCOMMODATION

9-1W-3: DECISION:

Administrative Review: The approval body shall issue a written determination to approve, conditionally approve, or deny a request for reasonable accommodation, and the modification or revocation thereof in compliance with subsection B of this section. The reasonable accommodation request shall be heard with, and subject to, the notice, review, approval, and appeal procedures prescribed for a site plan review in accordance with the applicable provisions of sections [9-1E-0](#) through [9-1E-7](#) of this chapter.

NEW CONSTRUCTION PARK FEES

9-5-5: APPEALS:

Any person aggrieved by the computation of fees pursuant to this chapter shall have the right to appeal to the planning commission. The appeal shall be taken not later than thirty (30) days from the date the person is informed of



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the computation of fees under this chapter. Failure to so appeal within said thirty (30) day period shall be deemed a waiver of all rights of appeal under this chapter. (1960 Code)

EXTENSION OF A VESTING TENTATIVE MAP

9-6C-0: VESTING ON APPROVAL OF VESTING TENTATIVE MAP:

A subdivider may apply for a one year extension at any time before the initial time period set forth in subsection C1 of this section expires. If the extension is denied, the subdivider may appeal that denial to the legislative body within fifteen (15) days.