



Procedures For Appeal of Board of Zoning Adjustment Decisions

A. How To File.

Appeal of a Board of Zoning Adjustment (BZA) decision shall be filed with the Planning Commission Secretary within **ten (10) working days** from the date of the decision of the BZA. The Application for Appeal shall be submitted at the Planning public counter, located at:

Corona City Hall
Planning & Development Department
400 S. Vicentia Avenue, Suite 120
Corona, CA 92882

B. Items Required For Filing.

The following items shall be included in the application package:

- ☐ 1. Complete Application Form (attached).
- ☐ 2. Processing fee of **\$3,865.00**, which shall be paid at the time of filing the appeal on the following BZA matters:
 - Ancillary Game Arcade
 - Building Relocation (moved building)
 - Certificate of Compliance
 - Conditional Use Permit (MINOR)
 - Cul-de-sac waivers
 - Film Permit
 - Medical offices/clinics in residential zones
 - Model Home Permit
 - Nonconforming uses and buildings
 - Parcel Map Waivers
 - Special Use Permits
 - Lot line adjustment
 - Tentative Tract Map – Rephasing
- ☐ 3. One (1) 8.5"x11 reduction of the map depicting the location of the property under appeal, if applicable.
- ☐ 4. Letter from the applicant clearly stating the grounds for the appeal and the specific factual or legal errors by the BZA on which the appeal is based.

C. Procedures:

1. Appeals of all decisions are made pursuant to the procedures in [Chapter 17.95](#) of the Corona Municipal Code and shall be heard by the Planning & Housing Commission acting as the Board of Appeals.
2. Upon receipt of the *Application for Appeal* and the appeal fee, the Planning & Housing Commission Secretary shall set a date for a public hearing before the Planning & Housing Commission and the appellant shall be notified in accordance with the law.
3. After the Planning & Housing Commission hears the appeal, the City Council shall be notified of the Planning & Housing Commission's determination. The City Council may



initiate a review of the Commission's determination; however, all Commission determinations on appeals not reviewed by the City Council are final twenty-one (21) days after Commission action.

4. The City Council is the final decision-making body.

D. Attachments:

1. CMC Chapter 17.95
2. Appeals Application Form

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CMC Chapter 17.95

APPEALS FROM DECISIONS OF THE BOARD OF ZONING ADJUSTMENT AND THE ZONING ADMINISTRATOR

17.95.010 Purpose.

It is the purpose of this chapter to provide a procedure by which a person aggrieved by any decision of the Zoning Administrator or the Board of Zoning Adjustment can appeal to the Planning Commission and by which the City Council can review decisions by the Planning Commission on such appeals.

17.95.020 Board of Appeals – Establishment.

Pursuant to the authority granted in Cal. Gov't Code § 65900, there is established a Board of Appeals. The Board of Appeals shall be composed of the members of the City Planning Commission.

17.95.030 Board of Appeals – Powers – Duties.

The Board of Appeals shall have the power to hear and determine appeals from decisions of the Board of Zoning Adjustment and the Zoning Administrator.

17.95.040 Procedure for appeal.

(A) Any applicant or aggrieved person may appeal any determination or any condition or requirement of the Zoning Administrator within ten working days of the date of the decision. The appeal shall be heard by the Planning Commission acting as the Board of Appeals in accordance with the procedural requirements of Chapter 17.95.

(B) The written notice of appeal filed with the Secretary shall state clearly the grounds for the appeal and the specific factual or legal errors on which the appeal is based.

(C) Upon receipt of a complying notice of appeal and the requisite filing fee, the Secretary of the Planning Commission shall set a date for a public hearing before the Commission.

(D) The Secretary shall provide notice of the appeal by mailing notice of the appeal at least ten days prior to the hearing to the appellant, to the owner of the property in question, to owners abutting parcels and to persons who filed written objections to the original application, who requested notice of subsequent proceedings or who received notice of the original proceedings. The notice shall set forth a description of the property, a brief summary of the decision appealed and a brief summary of the nature of the appeal.

(E) The Secretary of the Commission shall forthwith transmit to the Commission copies of the staff report and all papers constituting the record upon which the decision appealed was made, stating the factual and legal basis on which the Zoning Administrator or Board of Zoning Adjustment determined that the application met or failed to meet the criteria and requirements provided in this code.

(F) After holding a public hearing, the Planning Commission may by resolution affirm, reverse or modify, in whole or in part, any final determination, condition or requirement of the Zoning Administrator or the Board of Zoning Adjustment, or may continue the hearing from time to time for any legal reason.



PLANNING & DEVELOPMENT DEPARTMENT

17.95.050 Procedure for Council-initiated review of Planning Commission decision on appeal.

(A) The Council shall be notified by city staff of Planning Commission determinations on appeals filed pursuant to this

chapter. All Commission determinations on appeals not reviewed by the Council are final 21 days after final Commission action.

(B) The City Clerk shall advise the Secretary of the Planning Commission when a decision to review is made by the Council. The Secretary shall present to the Council within ten days a copy of the staff report on the appeal and all other papers constituting the record upon which the Commission's action was taken, including, but not limited to the minutes of all Commission hearings thereon.

(C) At the next regular Council meeting after the decision to review, the Council may affirm the Commission action or may direct the City Clerk to set the matter for public hearing in accordance with the notice requirements set forth in § 17.95.040.

(D) After its own public hearing, the Council may by resolution affirm, reverse or modify, in whole or in part, any final determination, condition or requirement imposed by the Commission. The Council may continue its hearing from time to time for any legal reason.

17.95.060 Stay upon appeal or review.

On the date a notice of appeal is properly filed with the Secretary of the Planning Commission, or on the date the Council orders a review of the Commission's action, all proceedings in furtherance of the determination, condition or requirement appealed from or ordered to be reviewed by Council, including the effective date of any permit, shall be stayed until the Commission's or the Council's final determination is made, or until 60 days have elapsed, whichever occurs first. If 60 days elapses without a final Council or Commission determination, the original action shall stand.

