



## Procedures For Appeal to City Council of Planning & Housing Commission Decisions

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### A. How To File.

Appeal of a Planning and Housing Commission decision shall be filed with the City Clerk's Office per CMC § 17.93.020 within **ten (10) working days** from the date of the decision of the Planning and Housing Commission. 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 Application For Appeal on the following Planning and Housing Commission matters:
  - Architecture Reviews
  - Change of Zone
  - Conditional Use Permit
  - General Plan Amendment
  - Precise Plans
  - Specific Plan Amendment
  - Variance
- 3. If filing an appeal to the City Council with a Public Works Condition of Modification, the processing fee is **\$1,035.00**, which shall be paid at the time of filing the Application For Appeal.
- 4. 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 Planning and Housing Commission on which the appeal is based. For zone changes and general plan amendments, the letter shall state how the public necessity, convenience, welfare or good planning practice requires the zone change or general plan amendment.

### C. Procedures:

1. Appeals of all decisions are made pursuant to the procedures in [Chapter 17.93](#) of the Corona Municipal Code and shall be heard by the City Council.
2. Upon receipt of the *Application for Appeal* and the appeal fee, the City Clerk shall set a



date for a public hearing before the City Council at the earliest appropriate date. The Planning and Housing Commission shall make a report to the City Council. The City Council will then consider the matter at the scheduled noticed public hearing. The City Council may confirm the recommendation of the Planning and Housing Commission or grant the appealed application after making a finding of fact setting forth wherein the Planning and Housing Commission's findings were in error.

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

**D. Attachments:**

1. CMC Chapter 17.93
2. Appeals Application Form



## CMC Chapter 17.93

### APPEALS FROM COMMISSION DECISIONS ON CONDITIONAL USE PERMITS AND VARIANCES

#### 17.93.010 Purpose.

It is the purpose of this chapter to provide a procedure by which an aggrieved person may appeal to the council, and by which the council can review de novo, any of the following matters:

- (A) A final determination by the commission pursuant to California Environmental Quality Act;
- (B) Any final action of the commission to approve or deny a conditional use permit or variance; or
- (C) The failure of the commission to act in a timely manner on an application for a conditional use permit or variance.

#### 17.93.020 Procedure for appeal.

(A) Any person aggrieved by any of the following actions listed in this paragraph may, within ten business days from the date of the action or failure to act, file a written notice of appeal with the City Clerk: (a) a final determination by the commission pursuant to California Environmental Quality Act, (b) a final action of the commission to approve or deny a conditional use permit or variance, including the conditions placed thereon, or (c) the failure of the commission to make its findings and determinations and take final action on an application for a conditional use permit or variance, within 35 days from the date of completing the hearing on the application.

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

(C) Upon receipt of a complying notice of appeal and the requisite filing fee, the City Clerk shall set a date for a public hearing before the Council as provided in § 17.92.080. The Clerk shall transmit a copy of the appeal letter to the Secretary of the Commission and to the Community Development Director, along with a notice of the time and date set for the appeal.

(D) The Secretary of the Commission shall forthwith transmit to the Council copies of the staff report and all papers constituting the record upon which the Commission's decision was taken, including, but not limited to the minutes of all hearings thereon, and shall submit to the Council a written report, prepared from the record upon which the final determination was made, stating the factual and legal basis on which the Commission determined that the application met or failed to meet the criteria and requirements provided in this chapter for granting a conditional use permit.

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

(F) "**Party**" for purposes of this section is:

- (1) The applicant; or
- (2) A resident or property owner who has received notice of the proposal pursuant to § 17.92.080(D) or § 17.96.100(D).

#### 17.93.030 Procedure for Council-initiated review.

(A) The Council shall be notified by city staff of Commission determinations on conditional use permits and variances not appealed. The Council may order a review of any such determination. All Commission determinations not reviewed by the Council and not appealed are final 21 days after final Commission action.



(B) The City Clerk shall advise the Secretary to the 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 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 of § 17.92.080.

(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.

### **17.93.040 Stay upon appeal or review.**

On the date a notice of appeal is properly filed 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 the Council, including the effective date of any permit, shall be stayed until the Council's final determination, or until 60 days have elapsed, whichever occurs first. If 60 days elapses without final Council determination, the Commission action shall stand.

