

**Chapter 19.680****APPEALS**

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**19.680.010 Purpose.**

This Chapter identifies the procedures for filing and processing an appeal of actions of Approving Authorities, consistent with California Government Code [Section 65904](#). Where the appeal provisions of this Section conflict with other provisions of the Riverside Municipal Code, the appeal provisions of this Chapter shall apply with regard to planning and zoning matters. (Ord. 7331 §104, 2016; Ord. 6966 §1, 2007)

**19.680.020 Appeal Authority.**

- A. Any person dissatisfied with an interpretation or action an Approving Authority made pursuant to this Article may appeal such action to the designated Appeal Authority and ultimately to the City Council. Appeals must be filed in accordance with the procedures in Section 19.680.030 (Filing an Appeal). Table 19.650.020 (Approving and Appeal Authority) identifies the Appeal Authority for each of the City's land use and development permits and actions. Actions by the City Council are not subject to appeal.
- B. Legislative matters require the Planning Commission to hold a noticed public hearing and make a recommendation on the matter to the City Council. Where the Planning Commission denies certain legislative cases, the action is final unless appealed to the City Council (See Table 19.650.020 - Approving and Appeal Authority) (Ord. 7331 §104, 2016; Ord. 6966 §1, 2007)

**19.680.030 Filing an Appeal.**

- A. Any person aggrieved or affected by a decision of an Approving Authority may appeal that decision to the designated Appeal Authority. All appeals shall be submitted in writing to the Planning Division, in duplicate, identifying the action being appealed and specifically stating the basis or grounds of the appeal. For appeals of the decision of the Airport Land Use Commission (ALUC) see E below.
- B. Appeals shall be filed within ten (10) calendar days following the date the Approving Authority announces its determination on the matter for which an appeal is made and shall be accompanied by a filing fee as established by City Council resolution. If the 10<sup>th</sup> day is on a weekend or holiday the appeal is extended to the end of the next regular business day (Note: one exception to the 10 day appeal period is for temporary use permits where the appeal period is 2 business days).
- C. The filing of an appeal shall stay the action being appealed and the issuance of subsequent permit(s), such as grading or building permits.
- D. An appeal must be filed to exhaust all available administrative remedies.
- E. When filing an appeal of the decision of the Airport Land Use Commission (ALUC) the applicant shall provide the City with a copy of the ALUC staff report, notice of action and findings to support the override for the ALUC determination. In order to overrule the ALUC finding of inconsistency, the City Council must make specific findings that the

proposal is consistent with the purposes of ALUC law “to protect public health, safety and welfare by ensuring (1) the orderly expansion of airports and (2) the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses.” (Ord. 7331 §104, 2016; Ord. 6966 §1, 2007)

**19.680.040 Notice and Schedule of Appeal Hearings.**

Unless otherwise stated herein or mutually agreed upon by the person filing the appeal, the applicant and the City, appeal hearings should be conducted within 45 days from the date of appeal submittal. Notice of hearing for the appeal shall be provided pursuant to noticing requirements of Chapter 19.670 (Public Hearings and Notice Requirements). (Ord. 7331 §104, 2016; Ord. 6966 §1, 2007)

**19.680.050 Appeal Hearing and Action.**

Each appeal shall be considered *de novo* (new), even if the appeal is withdrawn, and the Appeal Authority may reverse, modify or affirm the decision in regard to the entire project in whole or in part. In taking its action on an appeal, the Appeal Authority shall state the basis for its action. The Appeal Authority may approve (in full or in part), conditionally approve (in full or in part), modify or deny (in full or in part) and may modify, delete or add such conditions as it deems necessary. The Appeal Authority may also refer the matter back to the original Approving Authority for further action. (Ord. 7331 §104, 2016; Ord. 6966 §1, 2007)