

Chapter 2.52 Review of Administrative Decisions

Contents:

2.52.010 Review of administrative orders or decisions.

2.52.020 City council waiver of appeal fees.

2.52.030 Appeal fees.

2.52.040 City council review of decisions of the planning commission.

2.52.010 Review of administrative orders or decisions.

The Code of Civil Procedure, Section [1094.6](#), pertaining to the time limits for the judicial review of administrative orders or decisions, is made applicable to any person who seeks judicial review of such decision, pursuant to Code of Civil Procedure, Section [1094.5](#). (Prior code § 2-2.25)

2.52.020 City council waiver of appeal fees.

In those instances where the city council, by resolution, determines it in the public interest to accept applications, appeals or petitions without the requisite filing fee, the city shall accept such applications, appeals or petitions through the city council subject to the requirements specified in said resolution. The city council, in making its determination as to whether to waive the required fee, shall only do so based on a finding of demonstrated financial hardship shown by the applicant, appellant or petitioner. In making its determination, the city council may waive all or part of the fee normally charged for the application, appeal or petition to the city council. (Prior code § 2-2.26)

2.52.030 Appeal fees.

Where the zoning ordinance or municipal code allows for an appeal to be filed with the city council on matters regarding land use, a fee, established pursuant to [Chapter 2.64](#) shall accompany such an appeal. In addition to such an appeal fee, the appellant shall be responsible for providing any required public noticing and shall pay the direct cost of required newspaper ads. As used in this section "land use matters" includes zone variances, conditional use permits, tentative parcel and tract maps, precise plans and any other discretionary process by which land use is regulated. No fee shall be required for, and the city shall absorb costs associated with, city council initiated review of any decision of a subsidiary commission or board of the city. (Prior code § 2-2.27)

2.52.040 City council review of decisions of the planning commission.

- A. The city council may on its own initiative review all actions of the planing commission.
- B. All planning commission actions, accompanied by the record of the proceedings before the commission shall be placed as a report item on the city council's agenda at its regular meeting next following the commission's action. The council may, at is next regularly scheduled meeting following the commission's action, by an affirmative vote of two members, initiate review of the action. In the event the council initiates such review, the commission's decision will be stayed until the council completes its proceedings in accordance with the provisions of this section.
- C. At the time the council votes to initiate review, the applicant shall be informed of the aspects of the application and/or the commission's decision which the applicant should be prepared to address at the review hearing.
- D. The city clerk shall schedule the review at a meeting within a reasonable time from the date the City Council elects to initiate review.
- E. The City Council's review shall be noticed in the same manner as the matter was noticed before the Planning Commission. The Council shall review the matter de novo and may uphold, reverse or otherwise modify the Commission's action, or remand the matter with direction back to the Commission for further review.
- F. The decision of the council, supported by findings, shall be set forth in full in a resolution. A copy of the decision shall be sent to the applicant. The action of the council shall be final and conclusive. (Ord. 12-1331, §4, Jan. 2012; Prior code § 2-2.28)