

## CHAPTER 30.62 – APPEALS

### Sections:

- 30.62.010 – Purpose and Authority
- 30.62.020 – Authorization for Initiation
- 30.62.030 – Appeal Filing and Submittal of Information and Fees
- 30.62.040 – Public Hearing and Notice
- 30.62.050 – Decision of Planning Commission
- 30.62.060 – Appeals to the Council
- 30.62.070 – Rehearings

### **30.62.010 – Purpose and Authority**

- A. The decision of the Zoning Administrator on variances, conditional use permits, home occupation permits, applications for conditions of use, administrative exceptions, zoning use certificates, parking reduction permit, parking use permit, Density Bonus Housing Plan, wireless telecommunications facilities permits, and other applications except tentative tract applications for condominium conversions is appealable to the Planning Commission as hereinafter prescribed. Decisions made by the Director of Planning also may be appealed to the Planning Commission. The decision of the Planning Commission may be further appealed to the City Council pursuant to provisions of chapter 2.88 of this code relating to the uniform appeal procedure.
- B. Decisions made by the Director of Development Services may be appealed to the Glendale Redevelopment Agency pursuant to this Title.
- C. Where the City Council has, acting as the initial review authority, approved or denied a conditional use permit, variance, parking reduction permit, or a parking use permit for a project in a redevelopment project area or in the Downtown Specific Plan outside of a redevelopment project area, any interested person may make a written request for a council rehearing in accordance with Section 2.88.060 of the Glendale Municipal Code.
- D. For appeals of a decision related to design review, see Section 30.47.100.

### **30.62.020 – Authorization for Initiation**

An appeal may be initiated by any interested party, including the applicant, any person affected thereby or any city official.

### **30.62.030 – Appeal Filing and Submittal of Information and Fees**

- A. Applications for appeal shall be made on notice of appeal forms prescribed by the Director of Planning and contain all information thereof. The notice of appeal shall be filed with the Permit Services Center within fifteen (15) days following the decision which is being appealed together with the then-current filing fee as established by resolution of the City Council.
- B. All technical materials, including but not limited to: geologic/seismic reports, traffic studies, noise studies, biological studies and any other scientific studies; any visual simulations; and any comparative analytical or statistical report submitted by any interested party to be considered by the City Council or Planning Commission, shall be submitted to the Director of Planning no later than

seven (7) days prior to the scheduled date for consideration by the board or council. Materials submitted after the seven (7) days prior to the scheduled date for consideration shall only be considered upon the sole discretion of the board or council upon a showing of good cause. Materials which may be submitted at the time of the hearing include: petitions, group or individual letters, photographs, renderings, and presentational aids.

If the applicant proposes amendments to the project which substantially changes the project by the intensification of any project impact and/or the imposition of different project impacts, the Director of Planning shall vacate the scheduled hearing and the matter shall not be eligible for further consideration without the filing of a new application.

- C. For appeals of a zoning use certificate, timely filing of such notice of appeal shall be a jurisdictional requirement. Every such notice of appeal shall contain a statement of the facts upon which it is based and the relief requested in sufficient detail to enable the Planning Commission to understand the nature of the controversy and the parties concerned. The failure of the applicant or zoning use certificate holder to respond to the notice of hearing is a waiver of the right to the hearing.
- D. For filing fees, see Chapter 30.40.

#### **30.62.040 – Public Hearing and Notice**

- A. Upon receipt of a notice of appeal, the Zoning Administrator shall cause the matter to be set for hearing before the Planning Commission and shall cause notice of the time, place and purpose of the hearing to be given by regular mail to the appellant, the applicant if other than the appellant, to all owners of real property as shown on the latest equalized assessment roll within a five hundred (500) foot radius of the exterior boundary of the real property that is the subject of the hearing. If such property within a 500' radius is owned by the same person or entity, the owners of contiguous real property to that owned by the applicant shall also be notified. All persons who appeared at the hearing before the Zoning Administrator and addressed the Zoning Administrator in connection with the application, and any other person who has requested in writing to be so notified or who has submitted written comments with a correct and legible return address shall also be notified, and no other notice thereof need be given.
- B. Notices shall be placed in the mail at least seventeen (17) days before the date of the hearing. One copy of the notice of appeal application shall be sent to the applicant, if the applicant is not the appellant.
- C. For appeals from the decision on a home occupation permit, however, at least ten (10) days notice by mail shall be given to the applicant or permittee and to all persons shown on the last equalized assessment roll as owning real property located within a radius of five hundred (500) feet of the exterior boundaries of the property proposed for home occupation. If the property contiguous to that proposed for home occupation is owned by the same person or entity, the owners of contiguous property to that owned by the applicant shall also be notified.

#### **30.62.050 – Decision of Planning Commission**

The Planning Commission shall hold a public hearing on the appeal and consider the evidence. Upon the hearing of the appeal, the Planning Commission may refer the matter to the Zoning Administrator or affirm, reverse or modify the determination of the Zoning Administrator by a minimum of three (3) affirmative votes subject to the same limitations as are placed upon the Zoning Administrator by this Code. The decision of the Planning Commission upon the appeal shall be in writing.

**30.62.060 – Appeals to the Council**

A decision of the Planning Commission or of the Director of Planning shall become final fifteen (15) days following the date of the decision unless an appeal to the City Council is filed pursuant to the provisions of chapter 2.88 of this Code relating to the uniform appeal procedure.

**30.62.070 – Rehearings**

If the Planning Commission determines that new and material evidence not previously presented to the Zoning Administrator is available and such evidence could not reasonably be produced at the prior hearing before the Zoning Administrator, the Planning Commission may order that the Zoning Administrator rehear the matter. Any substantial change proposed by the applicant in the project form that which was represented to the Zoning Administrator shall not be eligible for further consideration without the filing of a new application. Written notice of the rehearing shall be mailed to the appellant, to the applicant if other than the appellant, and to such other persons as may have appeared and addressed the Zoning Administrator or Planning Commission at the respective hearings in connection with such matter at least ten (10) days before the date of the rehearing, and no other notice need be given.