



APPEAL OF DECISION APPLICATION

Filing Instructions for Appeal of Decision Application

The following instructions provide the necessary information for the processing of an appeal of a decision taken on a Planning Application. Any interested person may appeal a decision upon submittal of the required application, supplemental information, and payment of the required fee. If you have any questions regarding the submittal requirements for an Appeal of Decision application, please contact the Planning Division.

The applicant must submit the completed application and required submittal documents to the Planning Division at City Hall located at 22112 El Paseo, Rancho Santa Margarita, California 92688. The required application fee must be paid at the time of submittal. Please contact the Planning Division at (949) 635-1800 to schedule an appointment to submit the application and required fee payment.

Appeal of Decision applications shall be processed in accordance with the requirements of Section 9.08.100 (*Appeal of Decision*) of the Rancho Santa Margarita Zoning Code (RSMZC). Pursuant to Section 9.08.100, the Planning Commission shall constitute the Board of Appeals for decisions made by the Development Services Director. The Planning Commission's decision on such appeals shall be final. The City Council shall constitute the Board of Appeals for decisions made by the Planning Commission. Only matters originally heard by the Planning Commission shall be appealable to the City Council. Matters heard by the Planning Commission on appeals are not appealable to the City Council.

Procedures

Appeals shall be filed within the time specified in RSMZC Section 9.08.100, and shall include the following required documents:

1. Time period for submission of appeal. An appeal shall be filed in writing within **15 calendar days** following an action or decision by a City commission, board, committees, staff or other City body other than the City Council. No appeal shall be accepted after the appeal period has expired.
2. Required documents. Each appeal shall be submitted in writing to the Development Services Director. Each appeal shall be accompanied by the applicable appeal fee and a completed Appeal of Decision application. The application shall detail the grounds for the appeal. The Board of Appeals may refuse to consider issues not raised in the written appeal. Staff will review the application for completeness in accordance with RSMZC Section 9.08.100 and the application requirements.
3. Time for action. If the Development Services Director finds the application to be complete, then the application will be processed no later than 45 days after the Development Services Director has accepted the appeal as complete according to the procedure described in RSMZC Section 9.08.100.

4. Public hearing requirements. The appeal of an approving authority's determination that required a public hearing shall also require a public hearing. Notice and schedule requirements for an appeal hearing shall be identical as those for an original hearing.
5. Forwarding of records. When an appeal has been accepted, the Development Services Director shall forward to the Board of Appeals all documents and information on file pertinent to the appeal, together with the minutes or official action of the approving authority, and a report on the basis of the decision and the appropriateness of the appeal.

Nature of Decisions

The Board of Appeals shall consider the appeal at an appropriate public meeting or public hearing, including all information and evidence submitted with the original application, and any additional information and evidence that the appellant may submit, which the Board of Appeals finds to be pertinent.

The action of the Board of Appeals shall be one or more of the following in compliance with the same procedures and requirements as were applicable to the approving authority:

1. Approve or disapprove the application.
2. Add, modify, or delete conditions.
3. Approve a modified application.
4. Refer the application back to the approving authority with directions for action by the approving authority, or for recommendations or reports to the Board of Appeals.

Processing Fee and Application Requirements

The following is required to request an Appeal of Decision. Incomplete information will result in delays in processing your application. Please provide all relevant information at the time of submittal.

1. **Completed Appeal of Decision Application**
2. **Letter of Justification/Explanation** – one copy written by the appellant, which clearly describes and explains the following in detail:
 - The appeal request, including Planning Application Name and Number.
 - Appellant's property address (refer to Page 3 for further details)
 - Specific and detailed grounds for the appeal.
3. **Fee Payment** – Payment of required fee at time of submittal. Please contact the Planning Division for the required fee amount.

Application Submittal

The appellant shall submit all required information to the Planning Division located at City Hall – 22112 El Paseo. A completed Appeal of Decision application shall be filed during Development Services counter hours, which are Monday - Thursday 8:00 a.m. to 4:00 p.m. (closed 12:00 p.m. to 1:00 p.m.), and Friday 8:00 a.m. to 12:00 p.m. Please note that City acceptance of an application does not constitute that the application has been deemed complete.

City of Rancho Santa Margarita

Appeal of Decision Application

Date Submitted: _____

Fee Amount Paid: _____

SECTION 1 – Permit to be Appealed. Indicate the permit type to be appealed and indicate the permit number and title.

Application Type to be Appealed (Check One)

- ___ Conditional Use Permit
- ___ Site Development Permit
- ___ Special Event Permit
- ___ Sidewalk Vending Permit
- ___ Small Wireless Facility Permit
- ___ Use Determination
- ___ Other: _____

Permit Number and Title: _____

SECTION 2 – Appellant Contact Information. I hereby certify that the information contained herein and in the accompanying exhibits is true and correct to the best of my knowledge and belief. I also acknowledge that I have read the “Filing Instructions for Appeal of Decisions”.

Appeal Date: _____ Appellant Name: _____

Mailing Address: _____

Contact Phone Number: _____

Email: _____

Print Name: _____

Appellant Signature: _____

Appellant Category (Check All That Apply)

- ☐ Resident ¹
- ☐ Property Owner ¹
- ☐ Tenant Leaseholder within 300 feet ¹
- ☐ Individual affected by the decision ^{1 2}

¹ Letter of Justification must state property address.

² Letter of Justification must state how the appellant is affected.

For Staff Use:

- ___ Completed Application
- ___ Fee Payment
- ___ Letter of Justification