CITY OF CORONADO

APPEAL HEARING PROCEDURES

GENERAL PROCEDURES: An "Appeal" is the formal process to seek review of a final, non-recommending determination by a board, commission, committee, or department. The majority of all appeals are heard by the City Council, however there are exceptions. The following information is provided to aid the appellant and the real party in interest (if any) with the appeal process.

Parties to the Appeal: The appellant is the party filing the appeal. The real party in interest, if not the appellant, is a person or entity whose interest was affected by the action that is being appealed.

When to File: Within ten (10) calendar days following the determination for which the review is sought.

Where to File: The appeal shall be filed with the office of the City Clerk.

Appeal Fee: The appeal fee of $500 must be paid at the time of the filing of the appeal.

Appeal Form: The written appeal is to be legibly filled out on a form provided by the City Clerk. It must contain all the information that the appellant desires to be considered at the appeal hearing including, but not limited to the following:

- The appellant's full name, address, and phone number;
- The board, commission, committee, or department which rendered the final determination;
- The date of the determination;
- The subject determination for which review is sought;
- The appellant's interest in the appealed determination; and
- The reason(s) why the appellant is requesting a review, including the grounds for the appeal and relevant code sections.
- Other relevant materials or exhibits – see distribution of materials below

Format: Originally signed, hard copy only. Faxed or emailed appeals will not be accepted.

Notification: If the appeal is complete and timely filed, the City Clerk shall provide a copy of the written material submitted with the appeal to the real-party-in-interest, if that party is not the appellant.

Matter Set for Public Hearing and Scheduled: City Clerk shall set the matter for consideration as a public hearing at the next available meeting or a date as soon thereafter as is practicable if agreed upon by the parties involved, i.e., the appellant, real-party-in-interest, and the appropriate City Department.

Public Notice: Notice of the public hearing will be provided for the appeal as required by applicable law, and to any parties who received notification of the primary hearing.

Materials for Public Hearing: In response to the notification received from the City Clerk, the "real-party-in-interest" (if not the appellant) shall submit all written documentation the party desires to be considered at the appeal hearing to the appropriate City Department a minimum of 15 calendar days prior to the public hearing.

Distribution of Materials: If plans, photographs, or other graphic materials are submitted by appellant and/or real-party-in-interest, additional copies will be required for distribution to the members of the reviewing body, staff, and the public. The exact number of copies will be determined by the City Clerk.

Staff Report: A staff report will be prepared for the public hearing; which will include materials filed with the written appeal, response material submitted by the real-party-in-interest, the staff report, plans, and written information used by the decision making body to render a decision which is the subject of the appeal, correspondence received, and any additional material the Department determines is appropriate to include to assist the hearing body in rendering a decision on the appeal. The staff report will be made available to the appellant and real-party-interest when the agenda containing the appeal item is distributed.

Conduct of Public Hearing: The Appeal hearing will generally be handled in the following manner.

- The City will present the staff report and analysis relating to the nature of the appeal hearing.
- The appellant will present information and evidence regarding the nature of the appeal.
- The real-party-in-interest will present information and evidence regarding the merits of the appeal.
- The public may provide comment to the hearing body regarding the merits of the appeal.
- Following public comment, the appellant, real-party-in-interest, and City staff shall have the right to present additional evidence in explanation or rebuttal of written or verbal comments presented at the hearing.

Continuances: An appeal hearing may be continued or granted an extension of time by the hearing body for good cause or upon agreement of all parties and the City Manager.

Final Determination: The hearing body may affirm, modify, or overturn the decision being appealed and shall, by resolution, memorialize this final determination on the subject of the appeal hearing.

Authority: Guidance for the Appeal Hearing process is contained in Chapter 1.12 of the Coronado Municipal Code; which may be accessed on the web at http://www.codepublishing.com/ca/coronado/