



**CITY OF MURRIETA**  
**Development Services Department**  
Planning Division  
1 Town Square | Murrieta, CA 92562 | 951-461-6061  
www.murrietaca.gov

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## Application for Appeal (DS-210)

For Planning Division Office Use Only

Case Number: \_\_\_\_\_ Date Submitted: \_\_\_\_\_ Received by: \_\_\_\_\_

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### PROJECT INFORMATION

Original Case Number: \_\_\_\_\_ Original Approval Date: \_\_\_\_\_

### PROJECT TITLE AND DESCRIPTION

\_\_\_\_\_  
\_\_\_\_\_

Project Name/Name of Center: (if applicable) \_\_\_\_\_

### APPEALANT INFORMATION

#### APPEALANT

Contact Name: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Company Name: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
Street

City State ZIP

Daytime Phone No: ( ) \_\_\_\_\_ Fax No.: ( ) \_\_\_\_\_

\_\_\_\_\_  
PRINTED NAME OF APPEALANT

\_\_\_\_\_  
SIGNATURE OF APPEALANT

#### CONTACT PERSON (If different from appellant)

Contact Name: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Company Name: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
Street

City State ZIP

Daytime Phone No: ( ) \_\_\_\_\_ Fax No.: ( ) \_\_\_\_\_

## FILING INSTRUCTIONS FOR APPEAL APPLICATION

The following instructions are intended to provide the necessary information and procedures to facilitate the processing of an Appeal application. Your cooperation with these instructions will insure that your application can be processed in the most expeditious manner possible.

THE APPEAL FILING PACKAGE MUST CONSIST OF THE FOLLOWING:

### INITIAL SUBMITTAL:

1. One complete and signed application form.
2. \$1,000.00 fee for this application type. To view the Fee Schedule, go to: [murrieta.civicplus.com/DocumentCenter/View/661/Fee-Schedule---Planning-Only-2018-to-2019--PDF](https://murrieta.civicplus.com/DocumentCenter/View/661/Fee-Schedule---Planning-Only-2018-to-2019--PDF)
3. Provide a written statement detailing the decision being appealed and the reason for the appeal.
4. PRIOR TO SCHEDULING A PUBLIC HEARING:

In order to facilitate mailing of public hearing notices to affected properties a complete noticing package is required. The required radius is 300 feet from the exterior boundaries of the property for which the application is filed. The Director may require additional noticing if determined necessary or desirable or to comply with the "expanded notice" requirements of the Development Code. **Please Note:** Property owner noticing requirements may vary based on the location of the proposed project site. (Consult with a case planner to determine when labels are required).

- a. An Assessor's Parcel Map(s) illustrating the required radius as measured from the exterior boundaries of the subject site, Include all parcels within the radius and all those that touch the radius line. Preferred scale of the map is 1-200 feet, 300 feet, or 400 feet.
- b. If more than one (1) Assessor's Parcel Map is required to show all of the affected parcels then an index map must be included. The index map must show the entire area affected on ONE SHEET. The required radius boundary line must be drawn on the map and be clearly visible (Preferably in red line). Index map(s) from the Riverside County Tax Assessor's Office may be used for this purpose.
- c. Two (2) sets of self-adhesive labels with the name, address and assessor's parcel number for every parcel within the required radius. These labels must be based on the latest equalized tax roll from the Riverside County Tax Assessor's Office.
- d. Include mailing labels for the property owner, applicant, and representative.
- e. A signed certification letter from the person(s) preparing the list certifying that the information contained therein is accurate and is from the latest Riverside County Tax Assessor's Rolls. A sample "Public Noticing Certified Property Owner's List Affidavit" is included at the back of this application.

**Information to prepare the above may be obtained from the Riverside County Tax Assessor's Office. Also, local Title Companies offer this service.**

Additional copies of this application may be obtained from the Planning Division Web Page at <https://ca-murrieta.civicplus.com/276/Planning-Documents>



# Murrieta, CA Municipal Code

## 16.78 Appeals

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### Sections:

- 16.78.010 Purpose.
- 16.78.020 Appeal of Action.
- 16.78.030 Filing Appeals - Time Limit and Contents.
- 16.78.040 Meet and Confer Requirements.
- 16.78.050 Appeal Hearing Notice - Continuances.
- 16.78.060 Submission of Materials.
- 16.78.070 Withdrawal of Appeals.
- 16.78.080 Appeal Hearing and Decision.
- 16.78.090 Effective Date of Appealed Actions.

### **16.78.010 Purpose.**

The purpose of this chapter is to provide procedures for filing of appeals of the decisions, determinations or actions by the department staff or director, or the decisions, determinations or actions of the planning commission.  
(Ord. 430-10 § 12, 2010; Ord. 182 § 2 (part), 1997)

### **16.78.020 Appeal of Action.**

Decisions, determinations and actions (hereinafter referred to as "actions") by the director and the planning commission that may be appealed, and the authority to act on an appeal shall be as follows:

#### **A. Appeal of Director Decisions.**

1. Notwithstanding other provisions of this code, any person may appeal those actions rendered by the director for which the applicable code section expressly provides for the right to appeal as shown in Table 4-3.
2. Except for impact fee reductions, appeals of the director's actions shall be heard by the planning commission, unless otherwise stated.
3. An individual city councilmember or planning commissioner may appeal any action rendered by the director pursuant to the procedures set forth in this chapter.
4. An individual city councilmember or planning commissioner may file up to three (3) appeals total in a year with no fee required. For this purpose, a year is defined as beginning on December 1 and ending on November 30. Additional appeals by an individual city councilmember or planning commissioner shall be accompanied by the applicable fee.

<b>TABLE 4-3 DIRECTOR ACTIONS SUBJECT TO APPEAL</b>	
<b>ACTION TYPE</b>	<b>APPEAL REFERENCE CODE SECTION</b>
Code Interpretations	<a href="#">16.04.030C</a>
Development Plan Permits (administrative)	<a href="#">16.56.020A</a> , B
Home Occupation Permits	<a href="#">16.60.100A</a>
Impact Fee Reduction	<a href="#">16.36.050B</a>
Large Family Day Care Permits	<a href="#">16.62.030</a> ; <a href="#">16.62.030E</a> ; <a href="#">16.44.050B1a</a>
Minor Conditional Use Permits	<a href="#">16.52.020</a>
Minor Variances	<a href="#">16.72.020</a>
Residential Tentative Parcel Maps	<a href="#">16.94.070A</a>
Revised Permits	<a href="#">16.80.070D2</a>
Temporary Use Permits	<a href="#">16.70.020</a>
Time Extensions	<a href="#">16.42.110A</a>

**B. Appeal of Planning Commission Decisions.**

1. Any person may appeal any final action rendered by the planning commission to the city council, pursuant to the procedure set forth in this chapter.
2. An individual city councilmember may appeal any action rendered by the planning commission pursuant to the procedure set forth in this chapter.
3. An individual city councilmember may file up to three (3) appeals total in a year with no fee required. For this purpose, a year is defined as beginning on December 1 and ending on November 30. Additional appeals by an individual city councilmember shall be accompanied by the applicable fee.

**C. Appeal of Environmental Decision.**

Any person, in connection with any entitlement, permit or administrative decision authorized under the development code (Title 16), may appeal to the city council, pursuant to the procedures and requirements set forth in this chapter, the determination of a non-elected, decision-making body of the city to certify an environmental impact report, approve a negative declaration or mitigated negative declaration, or determination that a project is not subject to [Public Resources Code section 21080](#) et seq. (California Environmental Quality Act) if the project is not otherwise subject to further administrative review.

(Ord. 430-10 § 12, 2010; Ord. 348 § 2, 2006; Ord. 293 § 1 (part), 2004; Ord. 182 § 2 (part), 1997)

### **16.78.030 Filing Appeals - Time Limit and Contents.**

- A. Appeals to the Planning Commission.** An appeal of an action of the director shall be filed with the secretary of the commission within ten (10) days following the date of the action for which an appeal is made.
- B. Appeals to the Council.** An appeal of a planning commission action or an appealable environmental determination pursuant to Section [16.78.020C](#) (Appeal of Environmental Determination) shall be filed in the office of the city clerk within ten (10) days following the date of the action for which an appeal is made.
- C. Next Business Day.** If the last day to file an appeal falls on a legal holiday recognized by the city or on a Saturday or Sunday, the following business day shall be deemed the last day to file the appeal.
- D. Form and Content.** All appeals shall be in writing on a form obtained from the secretary of the commission (for appeals to the planning commission) or city clerk (for appeals to the council). The appellant shall state the specific reasons for the basis of the appeal in writing on the appeal form. Appeal applications shall include the required fee, in compliance with the city council's fee resolution, and mailing labels for property owners based on the original list used for the action for which the appeal is made. The mailing labels shall be supplied by the appellant.
- E. Filing Fee.** Except in those instances where an appeal is filed by the city manager or other public official in pursuance of official duties, or by a planning commissioner or city councilmember pursuant to Section [16.78.020A3](#) or Section [16.78.020B3](#), the written notice of appeal from the action of an administrative official or from an administrative body of the city, as the case may be, shall be accompanied by a fee as may be required by other enactment of the city council.
- F. Incomplete Submittal.** In the event any notice of appeal fails to include any information required by this section, the city clerk or secretary of the commission shall return the same to the appellant within ten (10) days with a statement of the respects in which it is deficient. The appellant shall thereafter be allowed five (5) working days in which to perfect and re-file the notice of appeal. If the notice of appeal is not re-filed with the city within the five (5) working days following its return by the city clerk or secretary of the commission, the appeal shall be considered late and shall not be accepted.

(Ord. 430-10 § 12, 2010; Ord. 182 § 2 (part), 1997)

### **16.78.040 Meet and Confer Requirements.**

Before an appeal is heard by the city council or planning commission, the director shall provide an opportunity through a meet and confer process to discuss the issues on appeal and determine whether a common solution to the appeal exists. Where an appeal has been filed by anyone other than the project applicant, meet and confer shall include the appellant and the project applicant together with appropriate department staff. Where an appeal has been filed by a project applicant, appropriate department staff shall meet and confer with the project applicant. However, under no circumstances may compliance with this section delay consideration of an appeal inconsistent with any applicable state or federal law.

(Ord. 430-10 § 12, 2010)

### **16.78.050 Appeal Hearing Notice - Continuances.**

Public notice of an appeal shall be given in the same manner in which the original notice was given. A hearing date shall be set within thirty (30) days of a complete filing of the appeal form, required fee(s), and necessary materials pursuant to Section [16.78.030D](#) (Form and Content). If, after an appeal has been noticed for a hearing, in the opinion of the director, and with the concurrence of the appellant and the project applicant, good cause exists to defer a decision on an appeal to a later date, such a continuance may be approved by the director. In such case, the meeting agenda for the date noticed for the hearing shall indicate the new hearing date and that the item has been continued pursuant to this section. In no case shall the initial continuance by the director be for greater than thirty (30) days from the original appeal hearing date. A second continuance may be given until the next regularly scheduled meeting. However, no continuance under this section may be granted which is inconsistent with any applicable state or federal law.

(Ord. 430-10 § 12, 2010)

### **16.78.060 Submission of Materials.**

All substantive, evidentiary, and 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 no later than nine (9) days prior to the scheduled date for consideration by the city council, and no later than nine (9) days prior to the scheduled date for consideration by the planning commission.

Materials submitted after the required number of days prior to the scheduled date for consideration shall be considered in the sole discretion of the planning commission or city council upon a showing of good cause, such as materials which were unavailable at the above deadline. Materials which may be submitted at the time of the hearing include petitions, group or individual letters, photographs, renderings, and presentational aids.

(Ord. 430-10 § 12, 2010)

### **16.78.070 Withdrawal of Appeals.**

Any appeal filed pursuant to Section [16.78.020](#) (Appeal of Action) may be withdrawn by an appellant by filing such withdrawal in writing at least seventy-two (72) hours before the matter is noticed to be heard. In such case, and if no other appeal of the same matter has been filed and not withdrawn, the matter will be removed from consideration and the prior decision shall become final.

(Ord. 430-10 § 12, 2010)

### **16.78.080 Appeal Hearing and Decision.**

- A. Appeal of Director Actions and Planning Commission Actions.** In hearing an appeal, the appeal body may take any of the following actions:
1. Affirm or deny on the basis of the issues appealed or continue the public hearing to a date and time certain.
  2. Set the matter for a new hearing at which time it may affirm, affirm in part, or reverse or otherwise modify the previous determination that is the subject of appeal.
  3. A decision by an appeal body to continue a public hearing pursuant to Section [16.78.080A1](#) or to set a matter for a new hearing pursuant to Section [16.78.080A2](#) may not be appealed. A majority vote of the appeal body is required to grant any appeal of a lower decision-making body.
- B. Appeal of an Environmental Determination.** The hearing date shall be set within thirty (30) days of the submittal of complete appeal materials pursuant to Section [16.78.030D](#) (Form and Content), and the hearing date shall be no later than the second regular meeting of city council subsequent thereto. A majority vote of the city council is required to certify the environmental document or uphold the environmental determination.

(Ord. 430-10 § 12, 2010)

### **16.78.090 Effective Date of Appealed Actions.**

An action of the director, appealed to the planning commission shall not become final until upheld by the planning commission, unless it is withdrawn pursuant to Section [16.78.070](#) (Withdrawal of Appeals). An action of the planning commission or an environmental determination appealed to the city council shall not become final unless and until upheld by the city council, unless it is withdrawn under Section [16.78.070](#) (Withdrawal of Appeals). The city council's decision shall be final. Any appealed action that is withdrawn under Section [16.78.070](#) (Withdrawal of Appeals) shall be considered final and effective on the date the city receives the written withdrawal of the final appeal related to it.

(Ord. 430-10 § 12, 2010; Ord. 182 § 2 (part), 1997)