

**ORDINANCE 2017-04**

**A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA  
AMENDING ARTICLE 5 "TENTATIVE MAPS", SECTION 10-02-540 "APPEALS"  
SUBSECTION (C) OF THE SAN JUAN BAUTISTA MUNICIPAL CODE**

**WHEREAS** the San Juan Bautista Municipal has established appeal periods for various functions, duties, and administrative actions in several Chapters of the Municipal Code; and

**WHEREAS** appeals are designed to establish a procedural process for interested parties, customers, and applicants an opportunity to appeal legislative, administrative, discretionary, and judicial decisions or actions which have been delegated to the planning Commission, various boards, advisory commissions, and employees to the City Council; and

**WHEREAS** a recent land use decision of the Planning Commission was appealed to the City Council and resulted in a conflict between the City of San Juan Bautista Municipal Code and Government Code Section 66452.5; and

**WHEREAS**, the inconsistency between the SJBMC, Section 10-02-540 (c) and Government Code Section 66452.5 caused a procedural problem for the City Council and Planning Commission in administering the appeal process; and

**WHEREAS**, the Planning Commission has reviewed the inconsistency between the San Juan Bautista Municipal Code and Government Code Section 66452.5 and recommended the City Council amend Section 10-02-540 subsection (C); and

**WHEREAS**, the number of days of an appeal period of Section 10-02-540 (c) of the San Juan Bautista Municipal Code (15 days) and the Subdivision Map Act of the California Government Code (10 days) were found to be inconsistent in administrating the appeal process and should be amended for internal consistency with the State Codes.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY ORDAINS AS FOLLOWS:**

Section 10-02-540 Appeals, to read as follows;

- (A) The City Council shall be the Appeal Board.
- (B) As used herein, the term "interested person adversely affected" means any City department, public agency, public utility, or any person claiming that the decisions is likely to result in personal economic loss or damage to his property.

- (C) Within ten (10) calendar days after action, the subdivider or any interested person may appeal any action of the Planning Commission to the City Council. Appeals to the City Council shall be submitted in writing to the City Clerk. Said appeals shall reference the project and tentative map number and shall state fully the nature and extent of the appeal, how the Planning Commission erred in their decision, and the reasons why it is taken. Such appeal and the hearing thereon shall be conducted in the manner provided by Government Code Section 66452.5 and subsection (D) of this Section
- (D) Whenever a public hearing is held pursuant to this Section, it shall be conducted as required by the Government Code Section 66451.3. Notice of the time and place thereof, and the general description of the location of the proposed subdivision shall be given at least ten(10) days before the hearing by publication once in a newspaper of general circulation in the City of San Juan Bautista. Any interested person may appear at such hearing and shall be heard.

**THE FOREGOING ORDINANCE** was first read at a regular meeting of the San Juan Bautista City Council on the 21<sup>st</sup> day of March, 2017, and was adopted at a regular meeting of the San Juan Bautista City Council on the 18th day of April, 2017, by the following vote:

**AYES:** Freeman, West, Boch, DeVries, Martorana

**NOES:** None

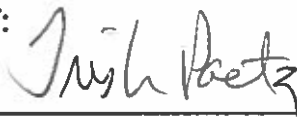
**ABSENT:** None

**ABSTAIN:** None



\_\_\_\_\_  
Mayor Chris Martorana

**ATTEST:**



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Deputy City Clerk Trish Paetz