



APPLICATION FEE: \$125.00

CITY OF TURLOCK APPEAL APPLICATION

- ☒ ADMINISTRATIVE DECISION
☐ PLANNING COMMISSION DECISION
☐ OTHER (Describe) _____

NAME OF APPLICANT: Turlock Monte Vista, LLC - Chris Hawke

STREET ADDRESS: 61 Moraga Way, Suite 4

CITY: Orinda

STATE: CA

ZIP: 94563

DAY-TIME PHONE NUMBER: (925) 389-6836

DESCRIBE THE NATURE OF THE APPEAL: The applicant is appealing the City Engineer's decision to grant a waiver for undergrounding overhead utility lines in accordance with Turlock Municipal Code Section 9-2-120 (d)(1) for project MDP 2021-08 IPA 22-04.

EXPLAIN THE REASON(S) YOU BELIEVE THE DECISION OR ACTION WAS WRONG:

Section 9-2-120 (d)(1) lists criteria for waivers from undergrounding overhead utility lines, specifically if offsite lines are not required to be underground and boring from across the street is required. This project explicitly meets this criteria and will be required to bore across N. Walnut Rd.

DATE OF DECISION: 9/26/2022

WHAT ACTION ARE YOU ASKING THE CITY COUNCIL TO TAKE? The applicant is asking City Council to grant a waiver to the requirement to underground overhead utilities along N. Walnut Rd. frontage of 1525 W. Monte Vista Ave.

10/3/2022
Date

Chapter 1-4 APPEALS

Sections:

- [1-4-01 Right to appeal.](#)
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1-4-01 Right to appeal.

(a) Planning appeals. Any action or decision of the Planning, Development Engineering, or Building and Safety Division of Community Development Services may be appealed to the Planning Commission. Any action or decision of the Planning Commission may be appealed to the City Council.

(b) Permit appeals. Any grant, condition, denial, suspension, or revocation of a permit by any official of the City under the provisions of this Code (except those falling within the scope of subsections (a) and (c) of this section) may be appealed to the City Council.

(c) Police permit appeals. Any grant, condition, denial, suspension or revocation of an ambulance permit, card room owner permit, dance permit, dating and escort services permit, taxicab permit, or fortune telling permit by the Police Department may be appealed to the City Manager. Any action or decision of the City Manager may be reviewed pursuant to the California Code of Civil Procedure section 1094.5 within thirty (30) days of the action or decision of the City Manager.

(1157-CS, Amended, 10/27/2011; 866-CS, Amended, 02/09/1995; 291-CS, Amended, 07/07/1977)

1-4-02 Time for appeal.

Any person may initiate an appeal to the Planning Commission by filing a written notice of appeal together with the required fee with the Secretary to the Planning Commission within ten (10) days of the rendering of the action or decision. Any person may initiate an appeal to the City Council by filing a notice of appeal with the City Clerk together with the required fee within ten (10) days of the rendering of the action or decision. Any person may initiate a police permit appeal to the City Manager by filing a written notice of appeal to the City Manager within ten (10) days of the rendering of the action or decision.

(1157-CS, Amended, 10/27/2011; 866-CS, Amended, 02/09/1995; 291-CS, Amended, 07/07/1977)

1-4-03 Hearings: Notices.

The City Clerk or Secretary of the Planning Commission shall forthwith set such matter for a hearing and shall cause written notice thereof to be given to the applicant and appellant (if different) not less than ten (10) days prior to such hearing.

(866-CS, Amended, 02/09/1995; 291-CS, Amended, 07/07/1977)

1-4-04 Form and content.

The notice of appeal shall be made on the prescribed form and shall state specifically the reasons and basis for the appeal. All information to be considered must be submitted with the appeal. However, the appealing party may request, at the time of filing the appeal, a thirty (30) day period within which additional information or arguments in support of the appeal may be filed.

(866-CS, Amended, 02/09/1995; 291-CS, Enacted, 07/07/1977)

1-4-05 Effect of appeal.

The filing of an appeal shall cause the rights of the parties to remain as they were prior to the action or decision except where the City Manager finds that public health, welfare, or safety require the action or decision be made effective during the appeal process. In the event of such a finding, the City Manager shall notify the affected parties within five (5) days of the filing of the appeal.

(866-CS, Amended, 02/09/1995; 619-CS, Enacted, 11/26/1987)

1-4-06 Scope of review.

In ruling on the appeal, the Planning Commission or City Council or City Manager may change, modify, alter, amend, affirm, or reverse the action or decision being appealed. Further, the hearing on appeal shall be conducted de novo and all relevant information and arguments may be submitted. If information, evidence or arguments not previously submitted are offered at the hearing, the hearing may be continued in the interest of fairness.

(1157-CS, Amended, 10/27/2011; 866-CS, Amended, 02/09/1995)

1-4-07 Effective date of decision.

Any decision or action of the Planning Commission in regard to an appeal shall be final and effective as of the date rendered if no appeal is timely filed. Any decision or action of the City Council in regard to any appeal shall be final and effective on the date rendered. Any decision or action of the City Manager in regard to any appeal shall be final and effective on the date rendered.

(1157-CS, Amended, 10/27/2011; 866-CS, Amended, 02/09/1995)

1-4-08 Action by majority vote.

Unless State law requires action by ordinance or resolution, the decision on an appeal may be adopted by a majority of those voting.

(1157-CS, Amended, 10/27/2011; 866-CS, Added, 02/09/1995)