

City of Milpitas

455 E. Calaveras Blvd.
Milpitas, CA 95035

File with: **Milpitas City Clerk**
Milpitas City Hall, 3rd floor
455 E. Calaveras Blvd.
Milpitas, CA 95035

If questions, call:

PLANNING: 408-586-3279
CITY CLERK: 408-586-3001



APPEAL FORM

1. APPELLANT(S):

Name: _____
Company: _____
Address: _____
City/State/Zip: _____

2. DECISION BEING APPEALED:

I (we), the undersigned, do hereby appeal a decision of the Planning Commission's
(or other body's) approval of:

PROJECT: _____

LOCATION: _____

DATE OF DECISION BEING APPEALED: _____

3. STATE THE SPECIFIC RELIEF WHICH THE APPELLANT SEEKS:

4. SUMMARY OF REASONS WHY THE APPELLANT CLAIMS ENTITLEMENT TO THE RELIEF SOUGHT:

Attach additional pages, if more space is needed.

I, the undersigned, acknowledge the procedures for filing an appeal, including the responsibilities of public notices in accordance with the Milpitas Municipal Codes Title XI 10-64.04, as prescribed for zoning related hearings, and Title I 20-2.02 for Notices provided by mail.

DATE: _____

SIGNATURE _____

PRINT NAME: _____

☐ PAID Filing Fee \$2135.00

ADDRESS _____

____ Cash

CITY/ST/ZIP _____

____ Check No.

PHONE #s: _____

E-MAIL ADDRESS: _____

FORM & FEE RECEIVED BY: _____
(City staff name)

DATE RECEIVED: _____

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PROCEDURE

PROCEDURE

Any person aggrieved by any decision of any officer, board, commission or department of the City of Milpitas, may appeal the decision to the City Council by filing a written notice of appeal with the City Clerk within twelve (12) calendar days of the date of the decision. The time limit shall be enforced. Per Milpitas Municipal Code I 20-5.02.

FEE FOR FILING

The appellant shall pay to the City at the time of filing the notice of appeal the sum of \$2,135.00. Fee established in the Master Fee Schedule adopted by City Council Resolution No. 9346 on June 18, 2024.

CONTENTS OF NOTICE

Notice of appeal shall state:

- (1) The name, address and e-mail of the appellant(s).
- (2) The decision appealed from, the date of the decision and the name of the officer, board, commission or department rendering the decision.
- (3) The specific relief which the appellant seeks.
- (4) A summary of the reasons why the appellant claims he/she is entitled to the relief sought.

The Notice of appeal shall be signed by the appellant or appellants.

SETTING OF HEARING DATE

If the decision appealed from was one rendered upon public hearing before a City officer, Board, Commission or Department, the City Clerk shall cause a hearing to be set before the Council within sixty (60) days of the filing of the notice of appeal (per Milpitas Municipal Code I-20-5.06). Notice of hearing shall be given in the same manner as was required to be given upon the original hearing before the Commission (in accord with Milpitas Municipal Code XI 10-64.04).

NOTICE

Notice shall be given to the appellant or appellants by mail in accordance with Section I-20-2.02 of the Milpitas Municipal Code. For appeals related to Zoning applications, notices shall also be in accordance with Title XI, 10-64.04 of the Milpitas Municipal Code.

HEARING APPEAL

The City Council shall hold a hearing upon the appeal in accordance with the provisions of Section I-20-3.02 of the Milpitas Municipal Code. The Council may hear and consider evidence presented at the hearing and may also hear and consider new evidence. The Council may also consider the decision of the officer, board, commission or department and the reasons assigned, if any.

DECISION OF THE COUNCIL

The Council shall render its decision by majority vote within sixty (60) days of the close of the hearing on appeal, per Milpitas Municipal Code I-20-3.17. The decision of the City Council shall be final.

When an appeal from any decision of any City officer, board, commission or department to the Council is authorized by ordinance of the City or by the Milpitas Municipal Code, the Council shall be empowered to hear new evidence upon the appeal and to:

- (i) sustain the decision, or
- (ii) reverse and remand the decision for further consideration, or
- (iii) reverse the decision (without remand) and reach an opposite decision, or
- (iv) modify the decision, or
- (v) sustain, reverse or modify the decision, subject to such new or additional conditions as are imposed by the Council

provided, however, that the City Council shall not modify a decision or sustain, reverse or modify the decision subject to new or additional conditions without first giving the same notice and opportunity for hearing that was required by law for the original decision of the officer, board, commission or department appealed from.

A notice of appeal shall not be effective unless the notice shall be filed and the required filing fee paid within the time frame, as required by Milpitas Municipal Code.