



APPEAL APPLICATION FORM

Appeal the decision of the:

- Zoning Administrator
- Planning Commission

STAFF USE ONLY

Date Received: 3/22/2019
Fee: \$250
Receipt #: 001858-0002
Case #: DR17-0040

Application Information

Name of Appellant Silvergate Development, LLC Phone [REDACTED]
Address 4960 Harbor Dr., Suite 200, San Diego, CA 92106
Business Address _____
Project Address NWC Bonita Glen Dr. and Vista Dr.
Project Description DR 17-0040 and IS 18-0001

(Example: variance, conditional use permit, design review, etc.)

Please use the space below to provide a response to the decision you are appealing. Attach additional sheets, if necessary. Grounds for an appeal must be based on at least one of the following:

- (1) **Factual Error.** The statements or evidence relied upon by the decision maker when approving, conditionally approving, or denying a permit, map, or other matter was inaccurate;
- (2) **New Information.** New information is available to the applicant or the interested person that was not available through that person's reasonable efforts or due diligence at the time of the decision; or
- (3) **Findings Not Supported.** The decision maker's stated findings to approve, conditionally approve, or deny the permit, map, or other matter are not supported by the information provided to the decision maker.

In order for an appeal to be valid, detailed responses must be included which cite at least one of the above reasons for the appeal along with substantiation of the facts and circumstances on which the claim of the appeal is based. If an appeal is filed within the time limit specified, and determined to be valid, it automatically stays proceedings in the matter until a determination is made by the City Council.

Silvergate Development, LLC bases this appeal on both the first and third grounds above; namely, Factual Error and Findings Not Supported. The statements relied upon by the decision maker when the motion to approve the project was voted down were inaccurate. For example, the decision makers relied upon inaccurate statements by the public asserting that the Project would cause public safety concerns along Bonita Glen, Peppertree and other nearby roadways despite the substantial evidence in the Administrative Record showing that was not true.

Appeal Form Directions

Pursuant to the Chula Vista Zoning Ordinance Chapter 19.14, an interested party may appeal the decision of the Zoning Administrator, or Planning Commission to the City Council. The appellant must be an interested party. An interested party means a person who was present at a public hearing from which an appeal arose and who had filed a speaker slip with the decision maker at that public hearing, or a person who expressed an interest in the project in writing to that decision maker before the close of the public hearing or a decision on an action from which an appeal may be filed. The appellant must file a complete appeal application form within the specified appeal period (10 business days after the decision has been made), complete the Disclosure Statement, and pay the required fee. Once a valid appeal form is filed, the appeal will be scheduled for a hearing by the City Council within 30 days.

[REDACTED] Signature of Appellant

Date: 3/22/19

DO NOT WRITE IN THIS SPACE

The above matter has been scheduled for public hearing before the: City Council On ___/___/___

Development Services Department

City Clerk