



City of Santa Barbara

APPEALABLE DECISIONS

The purpose of this handout is to provide guidance on the City's appeal process. Most discretionary actions by the City are appealable decisions.

Appeals must be in writing, must include the reason(s) for the appeal, and require a filing fee. See "Filing Procedures" for further information.

All appeals must be filed within 10 calendar days of the appealable action/decision unless otherwise noted below.

Appeals involving California Environmental Quality Act (CEQA) decisions may be processed differently. Please consult the project's case planner and/or the City's Environmental Analyst for guidance on the appeal process for CEQA decisions.

Please note that as of October 1, 2017, the City of Santa Barbara's new Zoning Ordinance (Title 30) is effective in all inland areas. The City's existing Zoning Ordinance (Title 28) remains effective in the Coastal Zone and for all discretionary projects that were deemed complete, received a land use approval (e.g., Modification), or Design Review Project Design Approval, or ministerial permits that have a permit issued prior to October 1, 2017, and have not expired. **SBMC §30.205.150 Appeals, outlines the appeal process for projects including those that are appealable to the Coastal Commission.**

APPLICATION COMPLETENESS DETERMINATIONS

Appeal Heard by: Planning Commission

Hearing Location: City Council Chambers (2nd Floor) – 735 Anacapa Street

If a Development Application Review Team (DART) application is found to be incomplete, you may appeal the decision to require additional information.

BUILDING AND FIRE CODE BOARD OF APPEALS (SBMC §8.04.020)

Appeal Heard by: Building and Fire Code Board of Appeals

Hearing Location: David Gebhard Public Meeting Room – 630 Garden Street

This Board hears appeals of decisions of the City Building & Safety Division and/or the City Fire Marshal's office.

Appeals must be filed within:

- General Decisions: 20 days
- "Notice & Order" Documents: 30 days
- "Dangerous Building" Notices: 10 days

DECISIONS PURSUANT TO SBMC §28.87.250.F.3 OR SBMC §30.140.050 (MISSION CREEK)

Appeal Heard by: Planning Commission

Hearing Location: City Council Chambers (2nd Floor) – 735 Anacapa Street

FLOODPLAIN ADMINISTRATOR APPEALS PURSUANT TO SBMC §22.24.140

Appeal Heard by: Planning Commission

Hearing Location: City Council Chambers (2nd Floor) – 735 Anacapa Street

SIGN COMMITTEE DECISIONS (SBMC §22.70.050)

Appeal Heard by: Architectural Board of Review or Historic Landmarks Commission, based on location

Hearing Location: David Gebhard Public Meeting Room – 630 Garden Street

ARCHITECTURAL BOARD OF REVIEW (ABR), HISTORIC LANDMARKS COMMISSION (HLC), & SINGLE FAMILY DESIGN BOARD (SFDB) DECISIONS (SBMC §22.22.170, §22.68.100, §22.69.080)

Appeal Heard by: City Council
Hearing Location: City Council Chambers (2nd Floor) – 735 Anacapa Street

Project Design Approval. For the purposes of Government Code Section 65950, a project design approval shall be considered to be “approval” of the project and concludes the discretionary phase of project review. It shall constitute the substantive design approval of the project which is appealable; however, final approval is still required prior to issuance of building permits.

Final Approval. Final Approval is a formal approval of the completed working drawings and architectural details, prior to submittal for a building permit.

STAFF HEARING OFFICER (SHO) DECISIONS (SBMC §28.05.020)

Appeal Heard by: Planning Commission
Hearing Location: City Council Chambers (2nd Floor) – 735 Anacapa Street

Denial of a Time Extension for a Tentative Subdivision Map is appealable to the City Council within 15 calendar days of the appealable action/decision.

PLANNING COMMISSION (PC) DECISIONS

Appeal Heard by: City Council
Hearing Location: City Council Chambers (2nd Floor) – 735 Anacapa Street

CITY COUNCIL DECISIONS APPEALABLE TO THE CALIFORNIA COASTAL COMMISSION (SBMC §28.44.200)

Appeal Heard by: California Coastal Commission
Hearing Location: (Please contact the California Coastal Commission for further details.)

Only approved Coastal Development Permits can be appealed to the California Coastal Commission.



City of Santa Barbara

FILING PROCEDURES FOR APPEALS

FILING PERIOD

Appeals must be filed within ten (10) calendar days from when the board, commission, or committee issued its decision¹ unless otherwise stated herein. Begin counting with the day after the decision. If the final day of the appeal period falls on a day that the City is closed, the appeal period shall end at the close of business day of the City.

APPEAL FEE

The fee varies, depending on the appeal type. For current fees please see the most recent Fee Resolution online at <http://www.SantaBarbaraCa.Gov/PlanningHandouts> or contact City Staff. Fees are subject to change at the beginning of each fiscal year (July 1st). Checks must be payable to the "City of Santa Barbara".

Please note that no fee is required to appeal a decision for a project that includes a Coastal Development Permit.

APPEAL LETTER

You must submit a written letter of appeal, addressed to the body hearing the appeal, containing the following information:

1. Name of body whose decision is being appealed;
2. Date of meeting at which the decision was made;
3. Description of decision being appealed;
4. Grounds claimed for the appeal and identifying in particular all significant issues, facts and affected parties; and
5. Appellant's name, address, telephone number, e-mail address, and signature.

WHERE TO FILE APPEALS

1. Appeals of decisions by the Staff Hearing Officer, Sign Committee, Floodplain Administrator, Application Completeness Determinations, and decisions pursuant to SBMC§28.87.250.F.3/SBMC§30.140.050 (Mission Creek) are filed at:
Planning Division, Community Development Department
630 Garden Street, Santa Barbara, California
Hours: Monday through Friday: 8:30 a.m. - 4:30 p.m.; closed every other Friday
(805) 564-5578
2. Building and Fire Code Board of Appeals are filed at:
Building and Safety Division Counter, Community Development Department
Attn: Chief Building Official Andrew Stuffer
630 Garden St., Santa Barbara, California
Hours: Monday through Friday: 8:30 a.m. - 4:30 p.m.; closed every other Friday
(805) 564-5485
For application see: <http://www.santabarbaraca.gov/AppealRequest>

¹ S.B.M.C. §1.30.050

3. Appeals of decisions by the Architectural Board of Review, Historic Landmarks Commission, Single Family Design Board, and Planning Commission are filed at:
Santa Barbara City Clerk's Office, City Hall
De la Guerra Plaza, 735 Anacapa Street, Santa Barbara, California
Hours: Monday through Thursday: 7:30 a.m. - 5:30 p.m.
Friday: 8:00 a.m. – 5:00 p.m.; closed every other Friday
(805) 564-5309

4. Appeals of City Council approvals of Coastal Development Permits are filed at:
California Coastal Commission
89 S. California St., Suite 200, Ventura, CA 93001-2801
(805) 585-1800



City of Santa Barbara

APPEAL HEARING PROCEDURES

Appeal public hearings are held at either the City Council Chambers or the David Gebhard Public Meeting Room. Below is information on the order of presentations at appeal hearings.

CITY COUNCIL CHAMBERS

1. City Council hearings:

The order of presentation after the Deputy City Clerk introduces the item is as follows:

1. Presentation by Staff (20 minutes)*.
2. Presentation by Appellant (including petitioners and applicants who are appellants) (30 minutes)*.
3. Presentation by Applicant (if they are not the appellant) (30 minutes)*.
4. Additional response by Staff (10 minutes)*.
5. Public Hearing (30 minutes)*.
6. Questions and comments by the Council and Council deliberation (30 minutes).
7. Motion, discussion of motion, and vote by the Council.

2. Planning Commission hearings:

The order of presentation after the Chairperson introduces the item is as follows:

1. Presentation by Staff (15 minutes)*.
2. Presentation by Appellant (including petitioners and applicants who are appellants) (15 minutes)*.
3. Presentation by Applicant (if they are not the appellant) (15 minutes)*.
4. Public Hearing*.
5. Questions and comments by the Commission.
6. Commission consideration of Findings and Conditions of Approval.
7. Motion, discussion of motion, decision, and vote by the Commission.

DAVID GEBHARD PUBLIC MEETING ROOM

1. Sign Committee appeal hearings held by the Architectural Board of Review or Historic Landmarks Commission:

The order of presentation after the Chairperson introduces the item is as follows:

1. Presentation by Staff (5 minutes)*.
2. Presentation by Appellant (including petitioners and applicants who are appellants) (5 minutes)*.
3. Presentation by Applicant (if they are not the appellant) (5 minutes)*.
4. Public Hearing*.
5. Questions and comments by the Board/Commission.
6. Commission consideration of Findings and Conditions of Approval.
7. Motion, discussion of motion, decision, and vote by the Board/Commission.

2. Application Completeness hearings held by the Staff Hearing Officer:*

The order of presentation after the Staff Hearing Officer introduces the item is as follows:

1. Presentation by Staff (5 minutes)*.
2. Presentation by Appellant (including petitioners and applicants who are appellants) (5 minutes)*.
3. Presentation by Applicant (if they are not the appellant) (5 minutes)*.
4. Public Hearing*.
5. Questions and comments by the Staff Hearing Officer.
6. Motion, discussion of motion, decision, and vote by the Staff Hearing Officer.

3. Appeal hearings held by the Building and Fire Code Board of Appeals:*

The order of presentation after the Chairperson introduces the item is as follows:

1. Presentation by Staff (5 minutes)*.
2. Presentation by Appellant (including petitioners and applicants who are appellants) (5 minutes)*.
3. Public Hearing*.
4. Questions and comments by the Board.
5. Motion, discussion of motion, decision, and vote by the Board.

***Time limits may be limited or extended at the discretion of the Mayor/Chairperson.**



City of Santa Barbara

WRITTEN CORRESPONDENCE

The public is encouraged to submit written correspondence to the decision-makers as early as possible for their consideration. All written correspondence is forwarded by staff to the decision-makers and is included as part of the official record. Please note that written correspondence is not read into the record at the hearings. Below is information on distribution of written correspondence for appeal hearings.

APPEALS HEARD BY THE CITY COUNCIL:

No. of Copies: Representatives and members of the public wishing to provide written correspondence to the City Council and appropriate staff should provide 11 copies.

Receipt of Correspondence: Written correspondence may be mailed directly to the Santa Barbara City Clerk's Office, P.O. Box 1990, Santa Barbara, CA 93102-1990; hand delivered to the City Clerk's Office at 735 Anacapa Street; or presented at the hearing while speaking. If mailed or hand delivered, please ensure that the documents will be received with sufficient lead time to allow distribution prior to the meeting.

If representatives wish to have their written correspondence included in the agenda packet, which is also published on the City's website, copies must be submitted to the City Clerk's Office no later than the close of business on Tuesday, one week prior to the hearing date.

APPEALS HEARD BY THE PLANNING COMMISSION:

No. of Copies: Representatives and members of the public wishing to provide written correspondence to the Planning Commission and appropriate staff should provide 13 copies.

Receipt of Correspondence: Written correspondence may be hand-delivered prior to the meeting at the Planning Division Office, 630 Garden St; by mail to the Planning Commission Secretary, P.O. Box 1990, Santa Barbara, CA 93102-1990; or by email at PCSecretary@SantaBarbaraCa.gov.

If people wish to have their written correspondence included in the mailing to the Planning Commission, copies must be submitted to the Planning Commission Secretary no later than the close of business on Tuesday, one week prior to the hearing date.

Written comments are accepted at, and up to, the time of the hearing; however, the Planning Commission may not have time to consider materials submitted after the deadline.

SIGN COMMITTEE APPEALS HEARD BY THE ARCHITECTURAL BOARD OF REVIEW:

No. of Copies: Representatives and members of the public wishing to provide written correspondence to the Architectural Board of Review and appropriate staff should provide 8 copies.

Receipt of Correspondence: Written correspondence may be hand-delivered prior to the meeting at the Planning Division Office, 630 Garden St; by mail to the Architectural Board of Review Secretary, P.O. Box 1990, Santa Barbara, CA 93102-1990; or by email at ABRSecretary@SantaBarbaraCa.gov.

If people wish to have their written correspondence forwarded to the Architectural Board of Review prior to the meeting, copies must be submitted to the ABR Secretary no later than 10 a.m. of the hearing date.

Written comments are accepted at, and up to, the time of the hearing; however, the Architectural Board of Review may not have time to consider materials submitted after the deadline.

SIGN COMMITTEE APPEALS HEARD BY THE HISTORIC LANDMARKS COMMISSION:

No. of Copies: Representatives and members of the public wishing to provide written correspondence to the Historic Landmarks Commission and appropriate staff should provide 10 copies.

Receipt of Correspondence: Written correspondence may be hand-delivered prior to the meeting at the Planning Division Office, 630 Garden St; by mail to the Historic Landmarks Commission Secretary, P.O. Box 1990, Santa Barbara, CA 93102-1990; or by email at HLCSecretary@SantaBarbaraCa.gov.

If people wish to have their written correspondence forwarded to the Historic Landmarks Commission prior to the hearing, copies must be submitted to the HLC Secretary no later than the close of business on Tuesday prior to the hearing date.

Written comments are accepted at, and up to, the time of the hearing; however, the Historic Landmarks Commission may not have time to consider materials submitted after the deadline.

APPLICATION COMPLETENESS DETERMINATIONS HEARD BY THE STAFF HEARING OFFICER:

No. of Copies: Representatives and members of the public wishing to provide written correspondence to the Staff Hearing Officer and appropriate staff should provide 4 copies.

Receipt of Correspondence: Written correspondence may be hand-delivered prior to the meeting at the Planning Division Office, 630 Garden St; by mail to the Staff Hearing Officer Secretary, P.O. Box 1990, Santa Barbara, CA 93102-1990; or by email at SHOSecretary@SantaBarbaraCa.gov.

If people wish to have their written correspondence forwarded to the Staff Hearing Officer prior to the hearing, copies must be submitted to the SHO Secretary no later than the close of business on Monday prior to the hearing date.

Written comments are accepted at, and up to, the time of the hearing; however, the Staff Hearing Officer may not have time to consider materials submitted after the deadline.

APPEALS HEARD BY THE BUILDING AND FIRE CODE BOARD OF APPEALS:

No. of Copies: Representatives and members of the public wishing to provide written correspondence to the Board and appropriate staff should provide 10 copies.

Receipt of Correspondence: Written correspondence may be hand-delivered prior to the meeting at the Building & Safety Division Counter, 630 Garden St; by mail to the Chief Building Official, P.O. Box 1990, Santa Barbara, CA 93102-1990.

If people wish to have their written correspondence forwarded to the Board prior to the hearing, copies must be submitted to the Chief Building Official no later than 10 calendar days prior to the hearing date.

Written comments are accepted at, and up to, the time of the hearing; however, the Board may not have time to consider materials submitted after the deadline.



City of Santa Barbara

APPEAL HEARING GUIDELINES

Below is additional information on appeal hearing guidelines and visual presentations.²

PUBLIC COMMENT PROCEDURE

1. Complete a “Request to Speak” form and submit it to City Staff at the hearing prior to the time the item is taken up.
2. When the public hearing is opened, the Mayor/Chairperson will call out the names of the persons requesting to speak on the item.
3. After receiving recognition from the Mayor/Chairperson, please approach the podium and speaking into the microphone, state your name and make your comments.

Please note that individual public comment is limited to a maximum of 2 minutes (including any video or computer presentations).*

COMPUTER PRESENTATIONS*

Representatives or members of the public wishing to make a computer presentation must provide their own laptop, which must be set up at Council Chambers. It is highly recommended that people set up a time to test their equipment prior to the meeting, in order to ensure their presentation projects properly. If assistance is needed, contact City TV at (805) 564-5311. People wishing to test their equipment prior to the meeting date should contact City TV at least 48 hours prior to the meeting to make arrangements. Additionally, please contact City Planning Staff at (805) 564-5578 to confirm time limitations for said presentations, and for hearings held at the David Gebhard Public Meeting Room.

VIDEOS*

Representatives or members of the public wishing to play a video during the hearing should contact City TV at (805) 564-5311 at least 48 hours prior to the meeting to make arrangements. Additionally, please contact City Planning Staff to confirm time limitations for said presentations.

AMERICANS WITH DISABILITIES ACT

If you need auxiliary aids or services or staff assistance to attend or participate in these meetings, please contact the City Administrator’s Office at (805) 564-5305 for City Council appeals or the Planning Division at (805) 564-5578 for all other appeals. If possible, notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements. Specialized services, such as sign language interpretation or documents in Braille, may require additional lead time to arrange.

AGENDA TIME

It is not possible to determine the precise time an item will be heard. Monitoring the live broadcast may assist in determining when the item will be heard. (Appeal hearings are broadcast live on Government Access Television Channel 18 & online at <http://www.santabarbaraca.gov/gov/depts/cityadmin/watch/default.asp>) Any continued items are announced at the beginning of the meeting by the Chairperson. Videos of previously recorded hearings may be found at <http://www.santabarbaraca.gov/gov/news/video/>. Please refer to the appropriate decision-making body. For further assistance you may contact the Planning Counter at (805) 564-5578 during office hours. Please note that video recordings may not be available for all public hearings.

***Time may be limited or extended by the Mayor/Chairperson.**

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² Contact City Staff prior to the hearing to confirm logistics and limitations related to visual presentations.