



# APPEALABLE DECISIONS

## INFORMATION & APPLICATION

### WHAT IS AN APPEALABLE DECISION?

An appeal is made when either an applicant or a third-party files a request for a decision to be reviewed by the next level of decision-making authority, and asks for a formal change to an official decision.

For example, an applicant dissatisfied with the Staff Hearing Officer's decision (or condition imposed) on an application may file an appeal to the Planning Commission. If the appellant is still dissatisfied with the Planning Commission's decision, a further appeal to the City Council may be made. The Council's action is the final local administrative decision.

Not all decisions made by staff or advisory bodies are appealable decisions. The Santa Barbara Municipal Code indicates if a decision or determination is subject to appeal and identifies the higher review authority who will act as the appeal body. A summary of this information is provided on page 2.

### WHAT IS THE TIME LIMIT?

Unless otherwise specified in the Municipal Code, all appeals must be filed in writing within 10 calendar days of the date on which the decision was issued. To compute the length of an appeal period, begin counting with the day after the decision. If the final day of the appeal period falls on a day the City is closed, the appeal period will end at the close of business on the next business day of the City.

### WHO MAY FILE AN APPEAL?

Appeals may be filed by any person aggrieved by a decision that is subject to appeal. On decisions made at a public hearing, appellants must establish an *aggrieved status* by participating either orally or in writing to have standing to appeal the decision. Grounds for appeal are limited to those issues raised either orally or in written correspondence delivered to the review body at, or prior to, the public hearing.

### WHEN IS AN APPEAL APPROPRIATE?

In many cases, the object of concern for an appellant is not something that the City can control or regulate; perhaps you have long-standing disagreements with your neighbors over a variety of issues, or you are more concerned about activities on the property than the actual construction under review. The appeal of a decision must focus on the specific planning, code, or environmental issues over which the appeal body has discretion.

For example, appeals of design review actions must center on design-related issues such as size, bulk, scale, orientation, or materials. Final Approval may be appealed only on the basis that it is inconsistent with the project design approval. Similarly, the Building and Fire Code Board of Appeals Board is not empowered to waive any code requirements and will only determine the proper application of the code.

Before you file an appeal, a discussion with city staff may help you define your issues of concern and whether the appeal process is appropriate. Other avenues of resolution include local programs for conflict resolution and informal mediation such as the [Conflict Solutions Center](#).

## HOW TO SUBMIT

Appeals must be submitted in writing to the appropriate city office via email, in person drop-off, or by first class mail postage prepaid, within 10 calendar days of the date on which the decision was issued. Note that fees may be paid online, by fax, drop off, mail, or in person. We do NOT accept payments via email or over the phone. Make a check payable to the City of Santa Barbara.

Appeals and associated fee post-marked after the 10th calendar day will not be accepted. Please deliver the appeal letter and fee at least 30 minutes before the end of business day to allow for adequate processing time. Please be aware that most city offices are closed on alternate Fridays.

- **To City Council** – Appeals and correspondence to the City Council are filed with the City Clerk's office: (805) 564-5309 [Clerk@SantaBarbaraCA.gov](mailto:Clerk@SantaBarbaraCA.gov)
- **To Planning Commission & Design Review** – Appeals and correspondence to the Planning Commission or ABR & HLC (sign appeals) are filed with the Community Development Department, Planning Division: (805) 564-5578 [PlanningCounter@SantaBarbaraCA.gov](mailto:PlanningCounter@SantaBarbaraCA.gov)
- **To Building and Fire Code Board of Appeals** – Appeals and correspondence to the Building and Fire Code Board of Appeals are filed with the Community Development Department, Building & Safety Division: (805) 564-5485 [CDBuildingCode@SantaBarbaraCA.gov](mailto:CDBuildingCode@SantaBarbaraCA.gov)
- **To California Coastal Commission** – Appeals of Council approvals of Coastal Development Permits are filed at: 89 S. California St., Suite 200, Ventura, CA 93001-2801 (805) 585-1800

## WHAT TO SUBMIT

All appeals must be in writing and include the information below. You may use the attached “**Application for Appeal**” form or write your own letter addressed to the review authority with:

- Name of body whose decision is being appealed
- Date of meeting which decision was made
- Description of decision being appealed
- Grounds claimed for the appeal and identifying all significant issues, facts, and affected parties
- Appellant's name, mailing address, telephone number, email address, and signature

Make sure to provide the correct amount of the associated appeal fee. Appeal fees vary depending on the body who made the decision that is being appealed. Please contact the appropriate city staff indicated above to ensure the correct appeal fee is made. Please note that no fee is required to appeal a decision for a project that includes a Coastal Development Permit.



# WHICH REVIEW AUTHORITY WILL HEAR MY APPEAL?

Use this table to identify the review authority on an appeal.

DECISION-MAKER	APPEAL HEARD BY	HEARING LOCATION
<b>Architectural Board of Review</b>	City Council	City Council Chambers (2nd Floor) 735 Anacapa Street
<b>Building Official / Fire Code Official<sup>1</sup></b>	Building and Fire Code Board of Appeals	David Gebhard Public Meeting Room 630 Garden Street
<b>CEQA Determinations</b>	City Council	City Council Chambers (2nd Floor) 735 Anacapa Street
<b>City Council<sup>2</sup></b>	California Coastal Commission	California Coastal Commission 89 S. California St., Suite 200, Ventura, CA 93001-2801
<b>Community Development Director<sup>3</sup></b>	Planning Commission	City Council Chambers (2nd Floor) 735 Anacapa Street
<b>Floodplain Administrator</b>	Planning Commission	City Council Chambers (2nd Floor) 735 Anacapa Street
<b>Historic Landmarks Commission</b>	City Council	City Council Chambers (2nd Floor) 735 Anacapa Street
<b>Planning Commission</b>	City Council	City Council Chambers (2nd Floor) 735 Anacapa Street
<b>Parks &amp; Recreation Director</b>	Parks & Recreation Commission	City Council Chambers (2nd Floor) 735 Anacapa Street
<b>Parks &amp; Recreation Commission</b>	City Council	City Council Chambers (2nd Floor) 735 Anacapa Street
<b>Sign Committee</b>	Architectural Board of Review or Historic Landmarks Commission	David Gebhard Public Meeting Room 630 Garden Street
<b>Single Family Design Board</b>	Planning Commission	City Council Chambers (2nd Floor) 735 Anacapa Street
<b>Staff Hearing Officer</b>	Planning Commission	City Council Chambers (2nd Floor) 735 Anacapa Street

<sup>1</sup> Appeals of orders, decisions, or determinations made by the Fire Code Official or Building Official relative to the application and interpretations of the technical codes may be made per SBMC §8.04.020. Decisions are final with no further right of appeal.

<sup>2</sup> Final action on a Coastal Development Permit in the appealable area may be appealed to the California Coastal Commission after exhausting all local appeals to the Planning Commission and City Council.

<sup>3</sup> Appeals of application completeness per Gov't Code Section 65943 or Mission Creek determinations SBMC §30.140.050 / §28.87.250.F.3.



# WHAT DO I NEED TO KNOW ABOUT PUBLIC HEARINGS?

## SCHEDULING A HEARING

After staff has received your request for appeal and fee payment, the item will be placed on the next available agenda, within the specific time periods established by the Municipal Code. An agenda containing the meeting date for the item will be mailed to the appellant, property owner and the project applicant. Agendas are also posted on the City's website: [SantaBarbaraCa.Gov/Gov/Brdcomm](http://SantaBarbaraCa.Gov/Gov/Brdcomm).

## DO I NEED TO ATTEND?

Yes, the appellant's presence is required at the appeal hearing. If the appellant cancels or is not present at the hearing, the appeal will be dismissed. A continuance may only be granted under certain and unusual circumstances. If you feel you need to request a continuance, you must submit your request in writing and be aware that it may not be granted.

## PUBLIC HEARING ORDER

Review the City Council Procedures, Design Guidelines and the Planning Commission Guidelines for detailed hearing procedures and time limits for presentations. Time limits may be reduced or extended at the discretion of the Chair. In general, you can expect the order of the public hearing to go as follows:

1. **Item is Opened.** The Chair opens the item by reading the address and project description.
2. **Staff Presentation.** Staff makes a presentation of the proposed project, if applicable.
3. **Appellant Presentation.** Appellant is given a specified time limit to present the project.
4. **Applicant Presentation.** Applicant is given a specified time limit to present the project.
5. **Public Comment.** Public comment is opened for members of the public to speak on the item.
6. **Questions.** The Board or Commission asks questions of Staff, applicants, and others present.
7. **Comments.** The Board or Commission deliberates and has its own discussion.
8. **Motion.** The Board or Commission makes a motion to approve or deny, followed by a vote.
9. **Appeals.** The Chair announces the action and the time limit for further appeal, if applicable.

## PUBLIC COMMENT AND WRITTEN CORRESPONDENCE

The City of Santa Barbara values public participation in local government and encourages all forms of citizen involvement. All written correspondence is forwarded by staff to the decision-makers and included as part of the official record, as well as published on the City's website; but it is not read into the record. Written correspondence may be mailed, emailed, hand delivered, or presented at the hearing while speaking, however email submissions are preferred. Please ensure that documents will be received with sufficient lead time for distribution, which is one week prior to the meeting date. Note that comments will be published without redaction; only submit information you wish to make public.



## APPLICATION FOR APPEAL

An appeal is hereby made to Your Honorable Body from the decision of the:

- |                                                                 |                                                        |
|-----------------------------------------------------------------|--------------------------------------------------------|
| <input type="checkbox"/> Architectural Board of Review          | <input type="checkbox"/> Planning Commission           |
| <input type="checkbox"/> Building Official / Fire Code Official | <input type="checkbox"/> Parks & Recreation Commission |
| <input type="checkbox"/> Community Development Director         | <input type="checkbox"/> Sign Committee                |
| <input type="checkbox"/> Floodplain Administrator               | <input type="checkbox"/> Single Family Design Board    |
| <input type="checkbox"/> Historic Landmarks Commission          | <input type="checkbox"/> Staff Hearing Officer         |

Which was taken on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

I/We, the appellant(s), hereby respectfully request that Your Honorable Body reject the decision and

☐ Approve / ☐ Deny the application or permit in question.

### PROPERTY INFORMATION

Project Address: \_\_\_\_\_

**APPELLANT'S INFORMATION** – Appealed by Applicant? ☐ Yes ☐ No

Name: \_\_\_\_\_

Organization (if representing): \_\_\_\_\_

Address: \_\_\_\_\_

ZIP: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

### REASONS FOR APPEAL:

*Explain specifically what actions you are appealing, and attach a copy of the protested notice, if applicable*

*Describe the reasons or grounds why you believe the action should be reversed, modified, or otherwise set aside. Include what evidence you have that supports your appeal. You may attach additional pages, if necessary.*

Signature: \_\_\_\_\_

Date: \_\_\_\_\_