

CITY OF CARPINTERIA
5775 CARPINTERIA AVENUE
CARPINTERIA, CA 93013
(805) 684-5405



APPEAL FORM

Name of Appellant: _____

Address: _____

Telephone No.: _____

If appeal is specifically related to a development project, please state the:

Assessor Parcel No. _____

Address/Location of property: _____

Case and/or Project No. _____

Date of Action taken by Council/Commission/Board or Staff which is being appealed: _____

Please attach a written description of the decision of the authorized individual or Commission/Board you are appealing and the grounds of your appeal. This description must be prepared pursuant to Chapter 14.78 (Appeals) of the Carpinteria Municipal Code

Signature of Appellant

Date filed: _____

Amount of Fee Paid: _____

Received by: _____

Chapter 14.78

APPEALS

Sections:

- 14.78.010** Purpose and intent.
- 14.78.020** General provisions.
- 14.78.030** Appeals to the planning commission.
- 14.78.040** Appeals to the city council.
- 14.78.050** Appeals to the Coastal Commission.

14.78.010 Purpose and intent.

The purpose of this chapter is to provide procedures for appeals to the planning commission and the city council and to establish the criteria for those developments that may be appealed to the California Coastal Commission. (Ord. 315 § 1 (part), 1981)

14.78.020 General provisions.

Nothing in this chapter shall be deemed to provide for nor allow an appeal to any federal or state agency, except where the power to appeal is expressly granted by valid federal or state law. Except as otherwise provided in this chapter or required by state law, appeals may be taken only by: (1) citizens affected by such decision; (2) property owners or a group of property owners affected by such decision; or (3) any governmental agency or other entity owning property which may be affected by such decision. (Ord. 315 § 1 (part), 1981)

14.78.030 Appeals to the planning commission.

1. Whenever the provisions of this title delegate to the city manager, community development director, community development department, or any other agency or individual the authority to carry out any of the provisions of this title, the decision of such agency or individual shall be final subject to appeal to the planning commission. The appeal and accompanying fee must be filed with the community development department within ten calendar days of the date that the notice of the decision appealed from the authorized individual or agency was given to the applicant.

2. The appellant shall state officially in the appeal wherein the decision of the authorized individual or agency is not in accord with the purposes of this title, or wherein it is claimed that

there was an error or an abuse of discretion. The appellant shall state in writing the scope of the appeal.

3. The community development department shall transmit to the planning commission copies of the permit application including all maps and data and a statement from the authorized individual or agency setting forth the reasons for the decision.

4. For appeals that are not subject to the coastal appeals overlay district (Chapter 14.48) or are not otherwise appealable to the Coastal Commission, the planning commission shall affirm, reverse, or modify the decision of the authorized individual or agency at a regular meeting. If the appeal is subject to the coastal appeals overlay district or is otherwise appealable to the Coastal Commission, the planning commission shall consider the appeal at a public hearing and approve, conditionally approve, or deny the appeal. Notice of the time and place of said hearing shall be given in accordance with Section 14.76.010 at least ten calendar days before the hearing. (Ord. 315 § 1 (part), 1981)

14.78.040 Appeals to the city council.

1. The decisions of the planning commission may be appealed to the city council. The appeal and accompanying fee must be filed with the city clerk within ten calendar days of the date of the planning commission's decision.

2. The city council may appeal a decision of the planning commission to itself by an affirmative vote of not less than a majority of its members at its next regular meeting notwithstanding subsection 1 of this section. No appeals to the city council may be taken by any person or entity not appearing either in person or in writing before the planning commission. An aggrieved person (as defined in Chapter 14.08) shall be deemed to have appeal status for appeals that are subject to the coastal appeals overlay district or are otherwise appealable to the Coastal Commission only, as required by the California Coastal Act.

3. The appellant shall state specifically in the appeal wherein the decision of the planning commission is not in accord with the purposes of this title or wherein it is claimed that there was an error of discretion by the planning commission.

4. The city clerk shall notify the planning commission that an appeal has been filed whereon the planning commission shall transmit to the city council copies of the application including all maps and data and a statement of

findings setting forth the reasons for the planning commission's decision. Consideration of the appeal before the city council shall not be limited to the grounds stated by the appellant.

5. The city council may, without public hearing, approve the action of the planning commission and deny the appeal, except as required by California Government Code Section 65856. In the event that the city council decides to accept the appeal and review the action taken by the planning commission, the city council shall affirm, reverse, or modify the decision of the commission at a regular meeting. If the appeal is subject to the coastal appeals overlay district or is otherwise appealable to the Coastal Commission, the city council shall consider the appeal at a public hearing and approve, conditionally approve, or deny the appeal. Notice of the time and place of said hearing shall be given at least ten calendar days before the hearing in the same form as that required for appeals to the planning commission. (Ord. 315 § 1 (part), 1981)

project or energy facility exceeding one hundred fifty thousand dollars in estimated cost of construction, excluding repair and maintenance projects undertaken by the city.

2. For developments which are subject to the appeals jurisdiction of the Coastal Commission, appeal of an approval by the city council may be filed with the Coastal Commission within ten calendar days of the decision of the city council by the applicant, an aggrieved person (as defined in Chapter 14.08), or any two members of the Coastal Commission.

3. The grounds of appeal for any development appealable under Section 14.78.050(1) shall be limited to findings that the development is not in conformity with the city's certified coastal program. (Ord. 315 § 1 (part), 1981)

14.78.050 Appeals to the Coastal Commission.

1. In accordance with Public Resources Code Section 30603a, an action taken by the city on a coastal development permit application for any of the following may be appealed to the Coastal Commission:

a. Developments approved by the city between the sea and the first public road paralleling the sea or within three hundred feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, as defined on the city's official zoning maps.

b. Developments approved by the city not included within subdivision 1(a) of this subsection located on tidelands, submerged lands, public trust lands, within one hundred feet of any wetland, estuary, stream, or within three hundred feet of the top of the seaward face of any coastal bluff, as defined on the city's official zoning maps or as determined by state Lands Commission;

c. Any development which constitutes a major public works project or a major energy facility. The phrase, "major public works project or a major energy facility," as used in Public Resources Code Section 30603(a) (5) and this title, shall mean any proposed public works