



City of Arcata Community Development Department

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www.cityofarcata.org

APPEAL APPLICATION

OVERVIEW

Interpretations, determination, and decisions made by the Flood Plain Administrator, Community Development Department staff, the Zoning Administrator, the Historic and Design Review Commission, and the Planning Commission are appealable as outlined below.

A determination, interpretation, or decision of the Director, the Zoning Administrator, or the Flood Plain Administrator may be appealed to the Planning Commission and then to the City Council. A decision of the Historic and Design Review Commission may be appealed to the Planning Commission and/or the City Council. A decision of the Planning Commission may be appealed to the City Council. If the development is in the Coastal Zone, City decisions are further appealable to the California Coastal Commission.

HOW TO APPLY

Appeal applications are available at the Community Development Department, or on the Department's website at www.cityofarcata.org. Staff can assist you with the materials needed for a complete application packet. Submit the completed application packet along with the application fee to the Department for processing.

The following individuals are eligible to appeal decisions made in compliance with the Land Use Code. Aggrieved persons may file an appeal, except in the case of a decision on a Minor Use Permit, Use Permit, Variance and/or other Planning Commission decision that followed a public hearing, an appeal may only be filed by an aggrieved person who, in person or through a representative, appeared at the public hearing in connection with the decision being appealed, or who otherwise informed the City in writing of the nature of their concerns before the hearing. An appeal shall be in writing and shall specifically state the pertinent facts and the basis for the appeal.

THE PROCESS

Step 1: Application Filing and Initial Review

The applicant shall file a written appeal which specifically states the pertinent facts and the basis for the appeal. The appeal shall be filed with the Planning Department if addressed to the Planning Commission, and with the City Clerk if addressed to the City Council. The appeal shall be filed within ten (10) business days of the actual date of the final decision. An appeal shall be accompanied by the required filing fee identified in the City's Fee Schedule. An appeal of a decision on a planning permit shall be limited to issues raised at the public hearing, or in writing before the hearing, or information that was not known at the time of the decision that is being appealed.

Step 2: Environmental Review

The assigned planner will review the project in accordance with the California Environmental Quality Act (CEQA) to determine if the project is statutorily or categorically exempt from CEQA, or if it is subject to CEQA and further environmental review is required. If the project is exempt from CEQA, then Step 2 is complete. If the project is not exempt from CEQA, then an initial study will be prepared, which determines the required environmental document that must be prepared and circulated for agency and public comment. Generally, appeals are statutorily exempt from CEQA; however, there may be some instances where this is not the case.

Step 3: Department and Agency Referrals

Once your application has been accepted as complete, the assigned planner will send copies of your application materials to other City departments and public agencies having jurisdiction or authority over the appeal and the original project.

Step 4: Staff Report

Staff will prepare a report on the appeal and schedule a public hearing by the appropriate review authority. The written report will review the basis for the appeal, and respond to the issues raised in the appeal. The report will contain a recommendation to uphold or deny the appeal based upon conformance with the Land Use Code and General Plan.

Step 5: Public Notice and Hearing

A public hearing is required for an appeal. Notice of the public hearing will be provided in compliance with Land Use Code Chapter 9.74. You and/or your agent should attend the public hearing.

At the public hearing on the appeal, the review authority may consider any issue involving the matter that is the subject of the appeal, in addition to the specific grounds for the appeal. The review authority may affirm, affirm in part, or reverse the action, determination or decision that is the subject of the appeal, based upon findings of fact about the particular case. The findings will identify the reasons for the action on the appeal and verify compliance or non-compliance of the subject of the appeal with the Land Use Code. The review authority may also adopt additional conditions of approval that may address issues or concerns other than the basis of the appeal. The review authority may also disapprove the planning permit approved by the previous review authority. If new or different evidence is presented on appeal, the Planning Commission or City Council may refer the matter to any applicable review authority for further consideration.

Step 6: Further Appeals

A Planning Commission action on an appeal is appealable to the City Council. Appeals to the City Council must be filed with the City Clerk both within 10 calendar days of the actual date of the final decision. Appeals must be submitted in writing and be accompanied by the required fees.

Decisions by the Flood Plain Administrator, Zoning Administrator, Planning Commission and Council on developments within the Coastal Zone may be appealed to the California Coastal Commission in compliance with Land Use Code Section 9.76.040. An applicant or aggrieved party may appeal a City decision on a planning permit to the Coastal Commission only after all appeals to the Planning Commission and City Council have been exhausted in compliance with Land Use Code Chapter 9.76.

Appeal Application Checklist

Visit the Community Development Department page at www.cityofarcata.org. Select the Land Use Code from the menu and then see Chapter 9.76 for complete Appeal regulations.

Talk with Arcata Community Development Department Planning Staff to determine which of the following items must be submitted along with a completed and signed application form. **Incomplete or inaccurate information will cause a delay in permit processing.**

- Application form with signature of appellant(s).
- Application fee deposit as indicated on the application form.
- A written basis for the appeal. For a planning permit, this is limited to issues raised at or before the public hearing, or information that was not known at the time of the decision that is being appealed.

Subject to changes or additions at any time. Applications may require additional information for continued processing.