

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
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Santa Barbara, CA 93101
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Agenda Number:

Prepared on: February 16, 2005
Department Name: Planning & Development
Department No.: 053
Agenda Date: March 1, 2005
Placement: Departmental
Estimate Time: 45 minutes
Continued Item: NO
If Yes, date from:
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TO: Board of Supervisors

FROM: Val Alexeeff, Director

STAFF CONTACT: Alice McCurdy (934-6256)
Development Review Division

SUBJECT: Receive a report from the Appeals Group of the Process Improvement Team

RECOMMENDATION(S):

That the Board of Supervisors:

Receive a report from the Appeals Group of the Process Improvement Team regarding its recommendations for changes to appeal and noticing procedures. (Estimated length of hearing: 45 minutes total; 15 minute staff presentation and 30 minutes for discussion).

ALIGNMENT WITH BOARD STRATEGIC PLAN:

The recommendations are primarily aligned with Goal No. 1, An Efficient Government Able to Respond Effectively to the Needs of the Community; Goal No. 5, A High Quality of Life for All Residents; and Goal No. 6, A County Government that is Accessible, Open, and Citizen-Friendly.

EXECUTIVE SUMMARY:

The Appeals Subgroup of P&D's Process Improvement Team has developed a set of recommendations for permit process improvements (presented on pages 6-8). These recommendations are designed to achieve four goals:

1. to improve the timeliness and quality of information provided to neighbors and other parties potentially impacted by a project;
2. to improve the communication between these potentially impacted parties and the applicant;

3. to provide the applicant a greater ability to receive input early in the process;
and
4. to reduce the number of appeals and their cost to the County (and upon applicants as a result of third-party appeals).

Taken together, these changes are expected to improve the outcome for all participants by resolving issues on ministerial cases earlier in the process.

Applicants seek an efficient, linear process, and prefer community input to come early in the process before expensive detailed plans have been prepared. Community members desire early information about proposed development, and the opportunity to have their concerns addressed in a meaningful way. The County as a whole seeks a collaborative process that incorporates all appropriate perspectives and ensures the highest quality development.

DISCUSSION

1. Background

Process Improvement: The Planning and Development Department began a significant process improvement effort in February 2003 by forming an in-house team to study the ministerial process and identify needed improvements. The key recommendations from that effort were accepted by the Board of Supervisors on July 22, 2003. A second phase began with the formation of four Steering Groups to further develop and implement the improvements. The goal of the Steering Groups is to create an integrated program to improve the ministerial process for applicants, the community, and staff, while ensuring that County policy objectives are still met.

Steering Group 2: The charter of PIT Steering Group 2 states that its goal is (in part) “*to improve application intake, case assignment and management, and completion in order to ensure the process proceeds more smoothly and quickly with more predictable outcomes*”. Steering Group 2’s initial recommendations included improving noticing, increasing early community involvement, and establishing design/development standards for planning areas.

Appeals Group representation: In April 2004, the Appeals Group was formed to address appeal issues and the other related procedural changes that had been tentatively recommended by Steering Group 2. The Appeals Group includes community members, representing both neighborhood groups and applicants, and County staff (see member list in Attachment A). Many but not all of the Appeals Group members were original members of Steering Group 2, providing continuity between the two groups.

2. Development of recommendations

The Appeals Group met seven **plus x (7 by 9/04)** times between May 2004 and January of this year. In developing its recommendations, the group went through the following steps:

- Researched and compiled data on recent appeals filed with the County (Attachment B);
- Conducted a survey of seven other planning agencies, mainly on the Central Coast, regarding their appeal processes (Attachment C);
- Reviewed specific appeal cases referred to us by P&D staff;
- Held a teleconference with Paul Crawford of Crawford, Multari, and Clark, a planning consultant who has worked with over 80 planning jurisdictions throughout California on designing efficient and effective permit processes;
- Met with County Counsel to discuss legal issues associated with the changes we were exploring;
- Briefed Steering Group 2 to at regular intervals to describe our progress and obtain their feedback;
- Met with a group of local architects to get their input;
- Prepared draft recommendations;
- Presented our recommendations to the County and Montecito Boards of Architectural Review (BAR's) and received their feedback; and
- Presented our recommendations to the County and Montecito Planning Commissions and received their input.

The recommendations in this staff report reflect input and ideas from all of these sources.

3. Issues

Appeals

In Santa Barbara County, **56 plus x** planning decisions have been appealed over the past five years. According to Paul Crawford, this number is in line with or lower than appeal rates in other coastal jurisdictions. Mr. Crawford stated that, from his experience, appeals are an issue in any area where residents are concerned about maintaining an existing quality of life. Statewide, the most common causes of appeals are dissatisfaction with infill development and view blocking. In a desirable area such as Santa Barbara County, it is inevitable that some cases will result in appeals.

Nonetheless, for applicants, the affected community, and the County, appeals represent an unsuccessful outcome of the process. For applicants, appeals mean potential uncertainty regarding the project outcome, and can require project redesign after significant expenditures have been laid out for detailed design and engineering work. For the affected public, an appeal indicates a project that does not reflect their vision of acceptable community development. For the County, appeals are the source of much controversy, add significantly to staff workload, and result in lost revenue since appeal fees recover only a fraction of actual processing costs. In the past five years, over \$500,000 of non-reimbursed costs have been incurred by P&D as a result of processing appeal cases.

Improving the Ministerial Process Should Reduce Appeals

With respect to appeals, our group concentrated on issues which were linked to the group's original intent to improve the processing of ministerial cases. (The "Appeals" issues and subcommittee name actually reflect an important but secondary focus of the group.) Over the course of its work on appeals, the group's focus evolved from looking specifically at appeal issues back to determining how process changes could improve community involvement and the outcome for all ministerial projects. Two groups of measures we looked at, providing opportunities for early review of development proposals, and providing more specific development standards by which to design and review projects, will both reduce appeals and improve the process.

Need for Mailed Notices

Most ministerial projects undergoing review by the BAR have no mailed notice or posted notice during the BAR review phase of the process. (Projects located within the Montecito, Summerland, and Toro Canyon Community Plan areas are an exception to this general rule; mailed notice is provided for the initial BAR hearing for these projects.) Instead, for ministerial projects notice is provided by posting the site once a Land Use Permit (LUP) or Coastal Development Permit (CDP) is approved, but prior to permit issuance. Under the current ordinance provisions, neighbors or neighborhood groups may learn of a development proposal only after an LUP or CDP approval notice is posted onsite after Final BAR approval, or only after construction has begun. Affected parties must then initiate an appeal in order to have their concerns heard about a project. Because

appeals occur late in the process, applicants may have fewer financial options with respect to redesigning, and neighbors have less certainty that their concerns will be effectively addressed. By providing mailed noticing at conceptual BAR review, neighbors will be provided an earlier opportunity to have their concerns heard and addressed. At the same time, applicants will benefit from receiving input from potentially affected parties early in the process, before final plans have been prepared, and while more redesign options may exist.

Improvements for Posted Notice Procedures

Within the Appeals Group, several concerns were raised regarding the shortcomings of posted notices. First, a concern was raised that posting does not affirmatively notify all affected neighbors. The group also voiced concerns that there is no enforcement to ensure that LUP notices are properly posted, or that posted notices remain up for the required ten day noticing period. Posting notices larger than the 8.5" x 11" forms currently used has been recommended. However, due to significant concerns expressed regarding potential visual impacts, this recommendation is not being carried forward. Members of the group who have been responsible for maintaining posted notices on project sites described problems with notices being removed, or rendered illegible by the elements. All of these factors led the group to recommend that projects subject to BAR review be required to have mailed notices as well as posted notices.

Contextual Development Standards

After reviewing specific appeal cases, the Appeals Group concluded that more extensive development standards could improve the quality of projects and reduce the number of appeals. In some of the cases we looked at, development met all zoning requirements such as height and setbacks, yet resulted in the approval of projects which could be considered out of character with existing neighborhoods. The Appeals Group recommends the development of broader solutions for issues that are most often the subject of controversy and appeals. These issues include privacy, viewshed protection, and neighborhood character. Measures which could be enacted in specific planning areas to address these issues include viewshed standards, contextual development standards, and second story ordinances. The Appeals Group recommends that the establishment of additional development standards be made a part of future community plan updates, and of implementation efforts for existing community plans. These measures could be developed and implemented as a second phase of the department's process improvement effort.

Options for Dealing with Issues regarding Second Story Additions

A review of appeals cases indicated that new second story projects in urban areas often create significant conflicts between homeowners that can result in appeals. Loss of privacy, mass/bulk/scale, and a change in the character of existing neighborhoods are all issues raised in these new second story cases. The Appeals Group and Steering Group 2 identified a range of options for dealing with the issues associated with new second story additions in urban areas. These options include the following:

1. requiring BAR approval for all new second story projects in urban areas;
2. providing notice of these projects to neighbors and homeowner groups, and allowing neighbors to request design review by the BAR for these projects on an individual basis; and
3. considering instituting recommended design guidelines for 2nd story additions. If at the time of application a home didn't meet the criteria as outlined in the design guidelines, then the project would be subject to BAR review.

The second option appears to provide both a reasonable level of review and the benefit of flexibility, in that only those second story additions that raise concerns would require BAR review. This review could address window placement and other design issues that are critical in protecting existing neighborhoods as our communities grow.

Narrowing the conditions under which appeals may be processed

The Appeals Group recommendations focus on providing additional opportunities for public input early in the development review process. However, the group recommends that these new opportunities for early input be accompanied by measures that restrict the conditions under which legitimate appeals can be filed. In recommending such restrictions, the group's intent is to insure that appeals are filed only by parties who have participated in the process and worked to have their concerns addressed in that forum, that appeals focus on real issues, and that appeals are filed at the first step in the process at which concerns have been identified. For instance, the group recommends that at Final BAR approval, the only issue subject to appeal would be a lack of consistency with the Preliminary BAR approval.

Appeal Fees

In Santa Barbara County, as in most other jurisdictions within California, the appeals process is heavily subsidized by tax revenues. This subsidy reflects the widely held value of providing an affordable avenue for citizens to question the validity or appropriateness of government decisions. The Appeals Group places a high value on keeping the appeals process affordable. Nonetheless, we addressed the County's goal of recouping the costs of services from those who are imposing the costs, be it applicants (appealing a decision on their own project proposal) or other potentially impacted parties, where possible. Currently, fees for appeals initiated by applicants are capped at \$2000 (includes fees for P&D, County Counsel, and Clerk of the Board). The P&D fee for appeals by third parties is \$292 (show total appeal fee). These charges fall substantially short of covering the costs of processing these cases.

Changing the fee schedule to recover the full cost of appeals initiated by applicants would recover approximately \$20,000 per year. This amount represents approximately 25% of the current subsidy of appeal costs by the department (estimated total \$80,000 annually). Adjusting the non-applicant appeal fee for inflation would recover an additional but minor amount of revenue. Raising the fee for third party appeals from \$292 to \$460 would keep the cost of these cases reasonable for the public, and would simply update the fee which was established in 1994 to current hourly rates. The Montecito

Planning Commission recommends that the fee for third party appeals be raised to \$375 rather than \$460.

V. Recommendations for Ministerial Cases

1) Increase opportunities for public input and the resolution of issues early in the development process

- a) Revise application materials to recommend that applicants hold a neighborhood meeting shortly after project submittal to discuss their conceptual plans and to identify and address neighborhood concerns. Inform applicants that neighbors will receive written notice of development proposals for projects requiring BAR review. (This requirement would not apply to over-the-counter ministerial permits.)
- b) Require that information (description, site plan, elevations, and map of location) regarding the project be mailed to neighbors and relevant homeowner group(s) as soon as an application is submitted. Invite input both to the County and to the applicant. (This requirement would apply to second story additions, but not to other types of over-the-counter ministerial permits.)
- c) Establish a process whereby interested parties can submit their names for inclusion on an email or other list for periodic updates regarding a particular project.
- d) Publicize the fact that interested parties can receive BAR agendas via an existing group email list.
- e) Require mailed notice (300 feet) and site posting for projects scheduled for conceptual review by the BAR. Require re-noticing for cases which return to the BAR after being taken off calendar.
- f) Provide notice of new second story projects to neighbors and homeowner groups, and allow neighbors to request design review by the BAR for these projects on an individual basis. As an alternative, require BAR review for all second story additions in urban areas, or develop recommended design guidelines for 2nd story additions, and require BAR review for projects which do not conform to such guidelines.
- g) Require that any ministerial cases that are not normally subject to BAR review and that are appealed go through the BAR process to see if appeal issues can be resolved in that forum. (This requirement would not apply where it is clear that an appeal does not relate to any design issues.)

2) Move the timeframe for appeals to an earlier point in the process

The Appeals Group recommends that the timeframe for appeals be moved up in the process in order to make the process more linear. Earlier appeals will provide a greater opportunity for the resolution of issues, and at the same time will provide applicants with a higher level of certainty regarding their desired outcomes after they have expended funds for detailed design and engineering work.

- a) For LUP's of ministerial projects that go to BAR, process appeals following Preliminary BAR approval. (For LUP's not subject to BAR review, the appeal window would continue to be following LUP approval.)

- b) Investigate whether post-BAR LUP approval can occur coincident with Preliminary BAR approval. LUP issuance would occur after Final BAR approval.

3) Specify and narrow the conditions under which an appeal may be processed

- a) In Articles III and IV, add the definition re: an “aggrieved person” [as per Coastal Zoning Ordinance section 35-58]: “any person who, in person or through a representative, appeared at a public hearing ...or who by other means... informed the local government of the nature of his concerns or who for good cause was unable to do either”. Restrict appeals to applicants and aggrieved persons [as per Coastal Zoning Ordinance section 35-182.2.1].
- b) Specify that at Final BAR approval, the only issue subject to appeal is lack of consistency with the Preliminary BAR approval.
- c) For cases subject to BAR review, limit LUP appeals to issues outside the purview of the BAR.

4) Administrative Improvements/ Streamlining/ Facilitation

- a) Limit appeals to “one step up only”; e.g., a BAR decision could be appealed to the P/C, but not from the P/C to the B/S. As an alternative, the Board hearing on a second level appeal could be limited to reviewing the record of prior hearings, and confirming or reversing the earlier decision, rather than conducting a “de novo” hearing.
- b) Develop an efficient process for non-substantive appeals:
 - i) Quick denial or “No Substantial Issue” process [1-2 page staff report]
 - ii) Decline to process/ refer to mediation/facilitation. (Per a 1996 resolution of the Board of Supervisors, facilitation is required for third party appeals to the Board of Supervisors. Facilitation could also be offered for appeals to the Planning Commissions.)
 - iii) Consider using additional qualified facilitators to reduce the facilitation timeframe, and to reduce the burden on the County Counsel’s Office.
- c) Have a BAR representative attend appeal hearings at the P/C to articulate the reasons for the BAR decision.
- d) Amend process such that appeals of ZA cases are heard by the P/C instead of the B/S.

5) Additional recommendations

- a) Develop broader solutions for specific issues [e.g., a second story ordinance; viewshed standards; contextual development standards, etc.] in future community plan updates, as well as in implementation efforts for existing community plans. [This measure is proposed to be implemented as a second phase of this process improvement effort.]
- b) Review LUP approval notices, and consider revising the language. The notice should read not as an invitation to appeal a project but as an explanation of the LUP approval process. However, any revised language must still clearly articulate the legal right of appeal.

6) Next Steps

Upon input from the Board of Supervisors, the following steps would occur in order to implement these recommendations. **need to add info showing appeal fees for all departments; then break out P&D portion**

- a) Revise the fee schedule to recover a portion of lost revenue
 - i) Remove the \$2000 cap on fees charged for appeals by applicants [where appeal fees are charged]; and
 - ii) Update cost for third party appeals to the current hourly rate as approved by the Auditor-Controller. The existing P&D fee (established in 1994) for third party appeals is \$292. The recommended fee would be approximately \$460 and would be adjusted annually as approved by the Auditor-Controller.
- b) Amend Articles II, III, and IV as necessary to incorporate recommendations.
- c) Update the existing appeal application, permit processing manual, etc. to reflect all procedural changes

Staff would bring proposed ordinance revisions to the Planning Commissions and Board of Supervisors for their review and approval. Revisions to the fee schedule would be taken to the Board of Supervisors for its consideration and approval. Application and permit processing manual changes would be made by P&D staff.

7) Recommendations Not Proposed to be Carried Forward

- Increasing size of posted notice

Steering Group 2 suggested increasing the size of posted notices to increase their visibility. However, both the County and the Montecito Planning Commissions expressed concerns about the potential visual impacts of this recommendation. In light of the recommendation for new mailed notice requirements, the option of increased size of posted notices is not being carried forward as a recommendation.

- Increasing appeal period to 10 working days

Members of the Montecito Planning Commission suggested increasing the length of the appeal period from 10 calendar days to 10 working days. The commissioners expressed concern that the appeal timeframe is too short, and that some individuals may file appeals because they have too little time within the appeal window to have their issues addressed. However, the Appeals Group recommendations focus on resolving issues between applicants and neighbors well before the appeal period. Therefore, the concept of increasing the length of the appeal period is not being carried forward as a recommendation.

8. Points of Discussion (**need to fill out this section**)

- A. 3rd party appeal fees: how much of an increase?
- B. Options for handling new second story additions:
 1. require BAR review
 2. provide notice, and allow neighbors to request design review

VI. Conclusions

Through this briefing, the Appeals Group submits its recommendations to the Board of Supervisors, and requests its feedback. The primary intent of the recommendations is to

make the process more linear, with more opportunities for public input at the front end. At the same time, the recommendations are intended to produce a higher level of resolution of issues, and a higher degree of certainty for applicants at the later stages of the development review process. The County seeks an efficient, effective, and collaborative development review process that incorporates all appropriate perspectives and ensures the highest quality development.

MANDATES AND SERVICE LEVELS:

This effort is not mandated. The ministerial permit process is expected to improve for applicants and staff as a result of implementation of the Process Improvement Team recommendations, including implementation of the Appeals Group recommendations.

FISCAL AND FACILITIES IMPACTS:

To date, the primary costs of the improvement effort have been staff time. Costs to implement the improvements are budgeted in the Department's Permitting and Compliance program on pages D-290 (South County Development Review) and D-292 (North County Development Review) of the County's Adopted FY 04-05 budget.

There would be no facilities impacts.

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Attachment A: Appeals Group members

Attachment B: Appeals data (updated data due from Brian Tetley 2/3/05)

Attachment C: Appeals in other local jurisdictions

Attachment A: Appeals Group members

Betsy Blaine, P&D, Administration
Robin Brady, Steering Group 2, Hollister Ranch Homeowners Association
Cecilia Brown, Steering Group 2, Patterson Area Neighborhood Association
Eric Englebart, P&D Development Review South
Tom Frutchey, P&D Consultant
Tish Gainey, Steering Group 2, Hope Ranch Homeowners Association
Alicia Harrison, P&D, Comprehensive Planning
Jay Higgins, Steering Group 2, Consultant
Olga Howard, Steering Group 2, Orcutt community member
Petra Leyva, P&D, Building & Safety
Steve Mason, P&D, Administration
Alice McCurdy, P&D, Development Review North
Dianne Meester, P&D, Assistant Director
Stephen Peterson, P&D, Comprehensive Planning
Paul Poirier, Steering Group 2, Poirier & David Architects
Brian Tetley, P&D, Development Review North

Attachment B: Santa Barbara County Appeals Data

Recent Appeals (2000-2004)					
Appeal Outcomes			Appeals by Appellant Type		
Denied	37	60%	Non-App.	43	69%
Granted	13	21%	Applicant	19	31%
Withdrawn	11	18%			
Modified	1	2%	TOTAL	62	
TOTAL	62				
Appeals by Zoning Ordinance			Appeals By Supervisorial District		
III	34	55%	1	27	44%
II	16	26%	2	13	21%
IV	12	19%	3	12	19%
			4	10	16%
TOTAL	62		5	0	0%
			TOTAL	62	
Appeals by Type			Appeals By Geographic Area		
LUP	30	48%	Montecito	14	23%
TM/TPM	6	10%	Goleta	12	19%
CDP	5	8%	Summerland	7	11%
AMD	4	6%	Orcutt	5	8%
CDP(H)	4	6%	Toro Cyn.	3	5%
CUP	3	5%	Gaviota	2	3%
DP	3	5%	Hollister Ranch	2	3%
GMO	2	3%	Hope Ranch	2	3%
BAR	1	2%	Los Alamos	2	3%
HOC	1	2%	Mission Cyn.	2	3%
RDN	1	2%	Santa Maria	2	3%
RMM	1	2%	Santa Ynez	2	3%
VARIANCE	1	2%	Carpinteria	1	2%
			Lompoc	1	2%
TOTAL	62		Los Olivos	1	2%
			Mission Hills	1	2%
			San Antonio Crk.	1	2%
			Santa Barbara	1	2%
			Solvang	1	2%
			TOTAL	62	

Grounds of Appeal					
Traffic/Parking	12	15%	Exterior Treatment	2	3%
Mass, Bulk, Scale (MBS)	9	12%	Improper Use	2	3%
Inadequate Noticing	8	10%	Lighting	2	3%
Viewshed	8	10%	Tree Removal	2	3%
Incompatibility	4	5%	Bio. Resources	1	1%
Noise	4	5%	Cultural Res.	1	1%
Grading/Erosion	3	4%	Fire Suppression	1	1%
Improper Permit Path	3	4%	Hist. Res.	1	1%
Septic	3	4%	Odor	1	1%
Access	2	3%	Public Safety	1	1%
Air Quality	2	3%	Water Use	1	1%
Drainage	2	3%	Zoning Violation	1	1%

Appeals Group Recommendations

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				None	4	5%
				TOTAL	78	

**Attachment C:
Comparing the Appeals Process:
Santa Barbara County and Other Jurisdictions**

11/19/04

Jurisdiction	Santa Barbara County
Cost of appeals	\$292 for non-applicants; not to exceed \$2000 for applicants ¹
What decisions/permits are appealable? Discretionary and/or ministerial?	Discretionary permits and LUP's, including LUP's following discretionary permits. (Building permits are appealable to the Building Official.)
How are appeals processed?	Per Articles II, III, and IV. For ministerial permits, the appeal period is the ten days following LUP approval.
Mechanisms to work out solutions prior to any appeals?	Appeals of P/C decisions go to mediation prior to being scheduled for the B/S.
Is there a requirement that the appeal must raise a substantial issue?	No.
Problems with the process?	Process can be circular rather than linear due to the number of steps at which a project can be appealed. Issues should be addressed and resolved earlier in the process.

¹ P&D charges only. All appeals also include a fee for County Counsel (\$103) and any appeal going to the Board includes a fee for Clerk of the Board (\$40).

Jurisdiction	Santa Barbara City
Cost of appeals	\$250-\$300
What decisions/permits are appealable? Discretionary and/or ministerial?	Appeals of decisions by Modification Hearing Officer go first to P/C; appeals of decisions by ARB, Historic Landmarks Commission, and P/C go directly to City Council. Only discretionary permits are appealable.
How are appeals processed?	10 calendar days to appeal.
Mechanisms to work out solutions prior to any appeals?	Sometimes they set appeals date out to allow time for negotiation. City Council sometimes tells appellant and applicant to go away and work it out.
Is there a requirement that the appeal must raise a substantial issue?	No.
Problems with the process?	<ol style="list-style-type: none"> 1. Lack of appeal of ministerial permits can cause controversy over allowed development, i.e. addition of second stories and/or buildings out of scale with existing character of an established neighborhood. 2. Frivolous appeals between neighbors. 3. Their process does not yet require appellant to demonstrate standing. <p>City wants to narrow the criteria of what's allowed by ministerial permits w/o sending additional cases to the P/C; use of Neighborhood Preservation Ordinances and Single Family Residential Design Guidelines to get there.</p>

Jurisdiction	San Luis Obispo County
Cost of appeals	\$450 for discretionary, \$299 ministerial. Coastal zone appeals free. No distinction between applicant and third-parties.
What decisions/permits are appealable? Discretionary and/or ministerial?	All are appealable. Staff decisions appealed to PC then to Board. PC decisions appealed to Board.
How are appeals processed?	14 calendar days. The appeals process can take a long time given a party's request for more time to work issues out. The Board will sometimes require an expeditious process.
Mechanisms to work out solutions prior to any appeals?	No formal process. But the County does hold mediation meetings in some cases.
Is there a requirement that the appeal must raise a substantial issue?	No. The County is looking at ways to screen-out frivolous appeals.
Problems with the process?	Length of process. "Frivolous" appeals.

Jurisdiction	Marin County
Cost of appeals	\$525 to PC. \$700 to Board. No distinction between applicant and third-parties.
What decisions/permits are appealable? Discretionary and/or ministerial?	Code interpretations, completeness determinations, discretionary. Ministerial actions not appealable.
How are appeals processed?	10 day appeal period to PC then to Board.
Mechanisms to work out solutions prior to any appeals?	No. Some mediations are held.
Is there a requirement that the appeal must raise a substantial issue?	No. They are looking at ways of screening-out "frivolous" appeals.
Problems with the process?	Frivolous appeals.

Jurisdiction	Monterey County
Cost of appeals	\$210 vs. \$3500 (?); no charge for CDP's appealable to the CCC \$2500 but going up
What decisions/permits are appealable? Discretionary and/or ministerial?	Everything is appealable, even building permits.
How are appeals processed?	Appeals are not accepted unless found to be complete. De novo hearing by B/S set within 15 days following the appeal filing. If new info is available, case may be returned to appropriate authority for consideration. If a request for a continuance is granted, the person requesting the continuance shall notify the interested public. Failure to give notice may be grounds for denial of the appeal. B/S decision shall be made within 60 days of receipt. For inland areas, the P/C is the appeal authority, unless there is an EIR. Otherwise is as per the CZ appeal process.
Mechanisms to work out solutions prior to any appeals?	See above. Also, staff tries to resolve issues prior to appeals being filed. A Land Use Advisory Committee reviews all discretionary projects and design approvals. If neighbor has an issue, it is forwarded to the applicant. But they are scaling back LUAC due to budget. If applicant is appealing, staff tries to do what they to resolve issues.
Is there a requirement that the appeal must raise a substantial issue?	Appellant must state: 1. lack of fair hearing; 2. decision not supported by evidence; or 3. decision was contrary to law. Rare to get an appeal that their County lawyers consider frivolous.
Problems with the process?	

Jurisdiction	City of Santa Maria
Cost of appeals	\$129.70 + staff time and materials (rarely charged). No distinction between applicant and third-parties.
What decisions/permits are appealable? Discretionary and/or ministerial?	Both ministerial and discretionary.
How are appeals processed?	10 days appeal period. Staff to ZA then PC (14 days) then City Council.
Mechanisms to work out solutions prior to any appeals?	Study sessions. No formal facilitation/mediation process. Some mediations occur.
Is there a requirement that the appeal must raise a substantial issue?	None.
Problems with the process?	None.

Jurisdiction	Ventura County
Cost of appeals	\$2000 deposit and max. charge; no billing limit for appeals re violations. All charges are refunded to appellants whose appeals are successful.
What decisions/permits are appealable? Discretionary and/or ministerial?	Anything decision the planning director makes is appealable. Based on input from their County Counsel, even zoning clearances (ZC's) are appealable; but no noticing is provided for ZC's, so they are rarely appealed.
How are appeals processed?	A decision on an appeal must be made within 40 days of a Planning Director hearing on the case. The hearing can be continued to provide parties an opportunity to work things out; continuance can be time specific or open ended.
Mechanisms to work out solutions prior to any appeals?	Everything possible. In hearings, issues of concern are identified. Staff tries to link up appellants and applicants; delay hearings on appeals until the appellant and applicant reach an impasse. That part of the system works well.
Is there a requirement that the appeal must raise a substantial issue?	No.
Problems with the process?	Coastal permits appealable w/o deposits. Most of their appeal cases are coastal, and many of them are frivolous. Appellants are not always clear about what kind of resolution they are seeking. They also get a lot of "kitchen sink" appeals; 90 page volumes that raise every possible issue. Staff is looking at developing a list of issues that would be considered appropriate grounds for an appeal.

Jurisdiction	City of Goleta
Cost of appeals	\$200 for applicant or third party.
What decisions/ permits are appealable? Discretionary and/or ministerial?	Zoning Administrator, Planning Director, Design Review Board, Planning Agency. Both discretionary and ministerial permits are appealable.
How are appeals processed?	10 day appeal period. Staff to Planning Agency
Mechanisms to work out solutions prior to any appeals?	Informal facilitation/mediation process
Is there a requirement that the appeal must raise a substantial issue?	No.
Problems with the process?	May take a long time to resolve (first appeal on a Design Review Board decision took a year).