



CITY of CALABASAS

**APPEAL OF DETERMINATIONS OR ACTIONS OF THE DIRECTOR OR COMMISSION**

**APPEAL OF BUILDING OFFICIAL DECISION(S)**

**A BOARD OF APPEALS FEE OF \$510.00<sup>1</sup> MUST ACCOMPANY THIS APPEAL**

**APPELLANT(S) - PLEASE COMPLETE:**

THIS APPEAL CONCERNS THE FOLLOWING REAL PROPERTY:

\_\_\_\_\_  
Street Address, City, State and Zip Code

THIS APPEAL CONCERNS A DECISION OR DECISIONS DATED:

\_\_\_\_\_, 20\_\_\_\_

**APPELLANT(S) - PLEASE COMPLETE:**

PROPERTY OWNER / APPELLANT INFORMATION:

Name(s) of Appellants: \_\_\_\_\_  
\_\_\_\_\_

Mailing Address<sup>2</sup>: \_\_\_\_\_  
Street Address or Post Office Box  
\_\_\_\_\_  
City, State and Zip Code

Daytime Telephone Number: (\_\_\_\_\_) \_\_\_\_\_

Fax No.: (\_\_\_\_\_) \_\_\_\_\_

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

<sup>1</sup> Section 17.74.070 (A) of Chapter 17.74 requires an appeal fee. City Council Resolution No. 91-52 establishes the amount of the appeal fee.

<sup>2</sup> Notices to you concerning this appeal will be sent to this address.

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**APPELLANT(S) - PLEASE COMPLETE:**

STATEMENT OF APPEAL:

PLEASE DESCRIBE EACH AND EVERY BUILDING OFFICIAL DECISION YOU ARE APPEALING AND SPECIFICALLY SET FORTH THE ALLEGED ERROR OR ABUSE OF DISCRETION IN CONNECTION THEREWITH:

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*[Please check if your statement is continued on an attachment to this appeal form. An attachment must accompany your appeal at the time it is tendered to the office of the City Clerk. AN ATTACHMENT WILL NOT BE ACCEPTED THEREAFTER.]*

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**IMPORTANT INFORMATION ABOUT YOUR APPEAL:**

1. Your statement of appeal establishes what the Board of Appeals will consider. Matters that are not contained in the statement of appeal will not be considered, nor can decisions be appealed more than once.
2. Failure to tender the required fee with your appeal will render it incomplete and untimely.
3. You must tender this completed appeal form to the Office of the City Clerk within ten (10) days from the decision that you are appealing. Failure of that office to receive your appeal in a timely manner results in a waiver of your appeal rights. In that event the decision or decisions you were appealing are final.
4. You will receive written notice of the date, time and place of the Board of Appeal's hearing of your appeal, if it was timely made.
5. The appeal hearing will be conducted pursuant to Title 17, Chapter 17.74 of the Calabasas Municipal Code. A copy of that chapter is set forth in the Appendix to this form.
6. Decisions of the Board of Appeals are final and not appealable to the City Council.

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Appeal of Building Official Decision(s)

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**APPELLANT(S) - PLEASE COMPLETE:**

APPELLANT SIGNATURE(S):

\_\_\_\_\_  
Property Owner/Appellant

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

\_\_\_\_\_  
Property Owner/Appellant

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

\_\_\_\_\_  
Property Owner/Appellant

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

\_\_\_\_\_  
Property Owner/Appellant

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

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**INTAKE REVIEW OF A TENDERED APPEAL BY THE OFFICE OF THE CITY CLERK**

**Date and Time Appeal Received:** \_\_\_\_\_

**Attachment(s) Accompanying the Appeal:**      **Yes:** \_\_\_\_\_      **No:** \_\_\_\_\_

**A \$510.00 Fee Accompanied the Appeal:**      **Yes:** \_\_\_\_\_      **No:** \_\_\_\_\_

**Signature of Person Completing this Section:** \_\_\_\_\_

## APPENDIX

### TITLE 17 OF THE CALABASAS MUNICIPAL CODE CHAPTER 17.74 - APPEALS AND CALLS FOR REVIEW

#### 17.74.010 - Purpose.

Determinations or actions of the director or commission may be appealed or called for review as provided by this chapter.

#### 17.74.020 - Subjects and jurisdiction.

Determinations and actions that may be appealed or called for review, and the authority to act upon an appeal or called for review shall be as follows:

A. Code Administration and Interpretation. The following actions of the director and department staff may be appealed to or called for review by the commission and then appealed to or called for review by the council:

1. Determinations of the meaning or applicability of the provisions of this development code that are believed to be in error, and cannot be resolved with staff;
2. Any determination pursuant to Government Code 65943 that a permit application or information submitted with the application is incomplete; and

B. Land Use Permit and Hearing Decisions. Decisions of the director on applications including zoning clearances, sign permits, administrative plan reviews, minor scenic corridor permits, lot line adjustments, and minor use permits may be appealed to, or called for review to the commission. Decisions by the commission may be appealed to, or called for review, the council.

C. Notwithstanding any provision in this chapter and in the remainder of Title 17 of the Calabasas Municipal Code to the contrary, a determination of the director or department staff that a violation of the development code exists pursuant to Section 17.80.020 is not appealable to the commission or to the council, nor is it subject to a call for review. When an action or application for a land use permit occurs in connection with the abatement of a violation of the development code, any appeal or call for review pursuant to subsections A or B above, shall not stay or otherwise affect the city's exercise of the remedies set forth in Section 17.80.050

#### 17.74.030 - General requirements.

A. Appeals.

1. Unless another provision of this development code specifies otherwise, for any order, requirement, decision, determination, interpretation or ruling described in subsection A. of Section 17.74.020, appeals may be initiated by (i) any person who sought a determination of the meaning or applicability of a provision of the development code; or (ii) any person who filed an application which city determines is incomplete pursuant to Government Code section 65943.

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2. Unless another provision of this development code specifies otherwise, for decisions described in subsection B. of Section 17.74.020, appeals may be initiated by (i) the applicant; (ii) an owner of real property, any part of which is located within five hundred (500) feet of the external boundaries of the subject property; or (iii) any person who, in person or through a representative explicitly identified as such, presented written or oral testimony to the director or commission at a public hearing for the subject approval.

B. Calls for Review. As an additional safeguard to avoid results inconsistent with the purposes of this code, any order, requirement, decision, determination, interpretation or ruling of the director may be called up for commission review upon written request by two members of the commission and any order, requirement, decision, determination, interpretation or ruling of the commission may be called up for council review upon written request by one member of the council.

**17.74.040 - Form and content.**

A. Filing of Appeals. A notice of appeal shall be in writing and shall be filed in duplicate in the office of the city clerk upon forms provided by the city. An appeal from any order, requirement, decision, determination, or interpretation by the commission or director in the administration of the provisions of this title must set forth specifically the error or abuse of discretion claimed by the appellant or how an application did meet or fail to meet, as the case may be, the standards of this title.

B. Initiation of a Call for Review. A call for review may be initiated by any two members of the commission or one member of the council and shall be filed in writing with the city clerk.

C. Effect on Decisions. Decisions that are appealed or called up for review shall not become effective until the appeal or review is resolved.

**17.74.050 - Processing of appeals.**

A. Action and Findings.

1. When reviewing a decision on a land use permit, the appeal body may adopt additional conditions of approval that may address other issues or concerns than the subject of the appeal.

2. A decision by an appeal body may also be appealed as provided by Section 17.74.020, provided that the decision of the council on an appeal shall be final.

B. Judicial Review. The time within which judicial review of any final decision must be sought is governed by Municipal Code Chapter 3.32 and the California Code of Civil Procedure Section 1094.6.

C. Withdrawal of Appeal-Commission Actions. After an appeal of a commission decision has been filed, the appeal shall not be withdrawn except with the consent of the council.

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**17.74.060 - Time for filing.**

A. Appeals. Appeals shall be initiated within ten (10) business days after director or commission action.

B. Calls for Review. Calls for review shall be initiated within ten (10) business days after director or commission action.

**17.74.070 - Filing fees.**

A. Appeals. An appeal shall be accompanied by a filing fee in an amount determined by council resolution.

B. Calls for Review. No fee shall be required for a call for review.

**17.74.080 - Procedures for appeals and calls for review.**

A. Scheduling. Within thirty (30) days after the director or commission action, the commission or council shall schedule the appeal or call for review for hearing and decision and give notice of the date, time and place thereof to the applicant, the commission and the appellant, if any. Prior to the hearing, the director shall transmit to the city clerk a report of the findings of the director or commission and the director shall present at the hearing all exhibits, notices, petitions and other papers and documents on file with the commission. The hearing shall be held within sixty (60) days after the commission action.

B. Public Hearing and Notice. An appeal or call for review shall be a public hearing if the decision being appealed or reviewed required a public hearing. Notice shall be given in the manner required for the decision being appealed or reviewed.

C. Evidence. The hearing shall be de novo. At the hearing, the commission or council shall consider all pertinent material, including all documents constituting the administrative record.

D. Hearing. At the hearing, any party or person may appear in person or by agent or attorney to provide testimony.

E. Required Findings, Decision and Notice. Following an appeal or review hearing, the commission may remand the matter to the director for further consideration or may affirm (in whole or in part), modify, or reverse the decision appealed or reviewed or the council may remand the matter to the commission for further consideration or may affirm (in whole or in part), modify, or reverse the decision appealed or reviewed. If the commission does not remand the matter to the director or the city council does not remand the matter to the commission, it shall make the findings prescribed by this code for the matter in issue. The commission or council decision shall be made within thirty (30) days of the hearing date. The city clerk shall mail notice of the commission or council decision to the applicant and to the appellant, if any, within five working days after the date of the decision. When the commission or council acts on an appeal by denying an application it may do so with or without prejudice to a new filing of a substantially similar project sooner than would be permitted by Section 17.60.080 of this Title.

**TITLE 15 OF THE CALABASAS MUNICIPAL CODE**  
**SECTION 15.04.030 – 113 BOARD OF APPEALS**

**113.1<sup>3</sup> General.** In order to hear and decide appeals of orders, decisions, or determinations of the building official regarding materials or methods of construction, the City Council shall appoint upon nomination of the City Manager a Board of Appeals under this code with appropriate technical qualifications. Such nominees shall not include City employees. Notwithstanding any other provisions of this Chapter 15.04, this Section 113 and Section K13(F)(6) of Appendix K of the 2010 California Plumbing Code provide the sole administrative appeals authorized by this chapter

**113.2. Limitations on Authority.**

(a) An application for appeal shall be based on a claim that a decision of the building official to prohibit the use of materials or methods of construction reflects one of the following errors: (i) the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, (ii) the provisions of this code do not fully apply according to their terms, or (iii) the materials or methods of constructions proposed are equally well or better suited to accomplish the purposes of this code than those otherwise required by this code.

(b) The Board of Appeals shall have no authority to: (i) waive the requirements of this code, (ii) to consider, decide or rule on the existence or nonexistence of any activity, condition, or use involving real property and/or any structure and other improvements on real property that the building official or another authorized agent of the city has determined to violate Title 15 or any other provision of the Calabasas Municipal Code, or (iii) consider, decide or rule whether persons are or are not responsible for violations of the Calabasas Municipal Code or public nuisances or what actions are required by responsible persons to correct or abate violations of the Calabasas Code or public nuisances.

(c) The limitations of this section 113.2 shall apply equally to any appellate body established by the Electrical, Mechanical or Plumbing Codes of the City.

**113.3 Procedures.** A person seeking an appeal under this Section 113 shall file an appeal on a form furnished by the building official and pay an appeal fee in an amount established from time to time by resolution of the City Council. That fee shall be sufficient to cover the cost of the building official's obtaining a written interpretation of relevant provisions of this Title 15 by the International Code Council or any successor thereto. The Board of Appeals may, after hearing, adopt that written interpretation as the decision of the Board. If the Board of Appeals does not adopt that written interpretation, it shall state its reasoning in writing. The Board may establish, by a regulation published in the manner required of ordinances of the City Council, procedures for the conduct of appeals under this Section 113 and until it shall do so, the appeal provisions of Section 116.2 of this code shall apply. Judicial review of a decision of the Board of Appeal under this Section 113 may be had pursuant to Code of Civil Procedure Section 1094.5. Judicial review of any decision of the building official not subject to appeal under this Section 113 may be had pursuant to Code of Civil Procedure Section 1085.

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<sup>3</sup> Ordinance No. 2011-280