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Attachment 1

SEP 6 2013

CITY OF CALISTOGA

For City Use

Date Received 9.6.2013

By evl

Appeal Fee Receipt No. 849755

City of Calistoga Appeal Application Form

- A copy of the City's Municipal Code excerpt regarding appeals and the appeals procedure summary is attached.
- The fee to file an appeal is \$200.00 and must accompany this form.
- Appeals must be filed with the City Clerk within ten (10) calendar days of the action.
- Appeals must address issues raised or decisions made.
- In order for your appeal to be determined to be complete this form must be filled out entirely.

Appellant Information (Please Print)		
Appellant Name NELSON- Charmi Deepak		
Appellant Address 4977 Roselle Common	City FREMONT	State/Zip Code 94536
Appellant Phone 510-364-9174	Fax	Email cdeepak@nelsononline.com
Representative Address	City	State/Zip Code
Representative Phone	Fax	Email

I/We the undersigned do hereby appeal the decision of the:

Planning Commission

Board of Appeals

Department Director or Department Staff

Other _____

Regarding: Ace Hardware BofA ATM

(Title of project or application)

Located at: 1450 Lincoln Avenue Calistoga, CA 94515

(Address)

Made on: August 28th 2013

(Date decision was made)

I/We hereby declare that I/We are eligible to file an appeal because:

(Refer to Chapter 1.20 of the Calistoga Municipal Code, Appeals - attached)

Section A under Calistoga Municipal Code Section 1.20.30

The facts of the case and basis for the appeal are: (Additional sheets may be attached)
Please see the attached sheet

I/We request that the City Council take the following specific action(s): (Additional sheets may be attached)
Review BofA's request for the Conditional Use permit

Signed:


(Signature)

9/5/2013
(Date)

(Signature)

(Date)

APPEALS TO THE CITY COUNCIL

CALISTOGA MUNICIPAL CODE SECTION 1.20.030

1.20.030 Appeals to the Council.

- A. Timing. An appeal to the Council may be made by filing a notice of appeal with the City Clerk within 10 days of the action or decision from which appeal is made, unless another time is specifically provided herein.
1. Any operator aggrieved by any decision of the Tax Administrator with respect to the amount of the transient occupancy tax, and/or interest and penalties, if any, thereon, may appeal by filing a notice of appeal within 15 days of the serving or mailing of the determination of tax due.
 2. Appeals by film permit applicants under Chapter 3.30 CMC shall be made within five days of the date of denial or other action on the permit application.
 3. Any person aggrieved by any decision of the collector of business license taxes made pursuant to Chapter 5.04 CMC may appeal by filing a notice of appeal within 30 days after the receipt of written notice from the collector of the disputed decision.
 4. A person may appeal the decision of the Chief of Police to revoke or deny a taxicab or rent car driver's permit, made pursuant to Chapter 5.16 CMC.
 5. An appeal may be taken from the order of the Health Officer revoking or suspending a permit pursuant to Chapter 8.12 CMC by filing a notice of appeal within 15 days of the issuance of the order. The appellant shall serve a copy of the notice of appeal on the Health Officer.
 6. An appeal may be taken from a notice from the Director of Public Works made pursuant to Chapter 12.12 CMC.
 7. An appeal may be taken to the Council by any citizen from any decision of an official relating to an exception permit under Chapter 13.08 CMC or a determination made under Chapter 13.16 CMC.
 8. A subdivider or any aggrieved party may appeal a decision made by the Planning Commission.
- B. Notice by Clerk. Upon receipt of the notice and fee, the City Clerk shall set the matter of the appeal on the agenda for the next regularly scheduled Council meeting, but no sooner than 10 days after the day of filing the notice of

appeal and payment of fee. The City Clerk shall give notice in writing to the appellant, and any other person who has requested notice, of the date the appeal has been placed on the agenda.

1. All appeals from decisions of the Planning Commission shall be considered by the Council within 30 days after the filing of the notice of appeal, unless the appellant consents to a continuance.

C. Council Action. The Council may deny the appeal summarily or decide to hear it. If the latter, the Council shall set a date certain for the hearing on the appeal, which shall allow a reasonable time for investigation of the matter appealed. At the hearing, the Council shall consider all questions raised by such appeal. The findings of the Council shall be final and conclusive and shall be served on the appellant in the manner prescribed in this code for service of notice of hearing.

1. Appeals of nuisance abatement orders shall be subject to the provisions for hearings on nuisance abatement as provided in Chapter 1.12 CMC.

2. All appeals from decisions of the Planning Commission shall be heard in the same manner as the original action was heard by the Planning Commission. If the appeal regards a tentative subdivision or parcel map, the Council may add, modify, or delete conditions if the Council determines that such changes are necessary to ensure that the map conforms to the Subdivision Map Act and the provisions of CMC Title 16. The Council may deny a tentative map for failure to meet any of the grounds contained in CMC 16.10.040.

3. Appeals from decisions of the Planning Director under Chapter 19.01 CMC shall be de novo, and the Council shall be guided by the criteria and standards, and shall make findings in relation thereto, as are required for the issuance of a permit in the first instance.

D. Amounts Owed. Any amount found to be due to the City shall be immediately due and payable upon the service of notice of the findings of the Council.