

# City of Calistoga

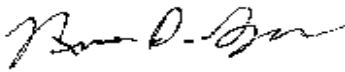
## Staff Report

**TO:** Honorable Mayor and City Council  
**FROM:** Lynn Goldberg, Planning and Building Director  
**DATE:** February 4, 2014  
**SUBJECT:** Potential Amendments to Appeal Process

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APPROVAL FOR FORWARDING:



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Richard D. Spitler, City Manager

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1 **ISSUE:** Initiation of a Municipal Code amendment to streamline appeals to the City  
2 Council.

3 **RECOMMENDATION:** By motion, direct staff to prepare and process an ordinance  
4 amendment deleting the “summary denial” step for appeals to the City Council.

5 **BACKGROUND:** Section 1.20.030 of the Calistoga Municipal Code (CMC) allows  
6 certain actions taken by City staff, the Planning Commission and the County Health  
7 Officer to be appealed to the City Council.

8 Upon receiving an appeal, the City Clerk agendas it for the next regularly-scheduled  
9 Council meeting. The Council may then 1) deny the appeal summarily or 2) decide to  
10 set a public hearing on the appeal for a subsequent meeting.

11 Appeals to the Council are not frequent; there have only been nine during the last six  
12 years. However, three recent Planning Commission decisions were appealed to the  
13 Council. The Council denied one of the appeals summarily, but subsequently  
14 reconsidered the initial denial, and denied it after a public hearing. The other two were  
15 summarily denied without a public hearing.

16 Concerns have been raised about this two-step appeal process, including the length of  
17 time that it can take to conclude the appeal process, and the relative fairness of the  
18 summary denial process.

19 **DISCUSSION:** The City’s two-step process that allows for an appeal to be summarily  
20 denied without a hearing is unusual. Most municipalities simply schedule a Council  
21 public hearing when an appeal is received.

22 The current procedure may have been established in response to past abuse of the  
23 process by parties who routinely filed appeals without reasonable grounds. However,  
24 this does not seem to be the case over the last decade.

25 Amending the CMC to eliminate the “summary denial” step for appeals would shorten  
26 the decision time frame in the case of appeals that are set for public hearing after the  
27 Council considers whether to summarily deny them.

28 Additionally, because the procedures for this step are not specifically defined in terms of  
29 the presentations or statements that can be made to the Council by staff, the applicant  
30 or the appellant, it can give the appearance of unfair treatment to affected parties.