

## **APPEALS OF ADMINISTRATIVE DECISIONS**

An administrative decision made by a County Officer pursuant to the Contra Costa County Ordinance Code may be appealed directly to the Board of Supervisors. The appellant shall, within thirty days of the action appealed from, file with the Clerk of the Board a verified written notice of appeal concisely stating the facts of the case and the grounds for the appeal, including the special interest and injury. To file an administrative appeal, submit a written notice of appeal, verified by your signature under penalty of perjury that it is true and correct, and a fee of \$125 to the Clerk of the Board at 651 Pine Street, Room 106, Martinez, CA, 94553. Be sure to clearly state the grounds for the appeal.

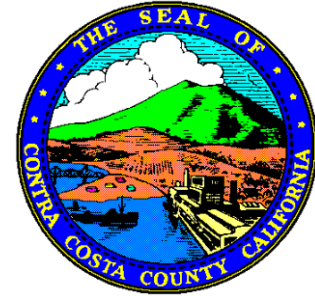
## **QUESTIONS AND ORDINANCE REFERENCES**

If you have questions about how to file an appeal, contact the project planner assigned to the application you are appealing. Project planners are located in the Current Planning Section of the Community Development Division and may be reached by calling (925) 674-7205. You may also direct questions on appeals to the Community Development Division staff at the Application and Permit Center, 30 Muir Road, Martinez, CA, 94553, (925) 674-7205.

Please see County Code Article 26-2.24 for the complete text related to appeals and reconsiderations, and see County Code Chapter 14-4 for the complete text related to administrative appeals.

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## **APPEAL PROCEDURES**



## **DEPARTMENT OF CONSERVATION AND DEVELOPMENT**

30 Muir Road  
Martinez, 674-7205  
Fax (925) 674-7258

Hours  
7:30 a.m. – 5:00 p.m.  
Monday – Thursday  
Friday 7:30 a.m. – 4:00 p.m.

Administrative decisions and hearing body decisions on applications including conditions of approval may be appealed.

Initial public hearings on applications are assigned to either the Zoning Administrator or to the appropriate Planning Commission. Some decisions are rendered administratively without going to public hearing.

The Zoning Administrator conducts initial hearings and renders decisions on minor subdivisions and related variances, major subdivisions of less than 100 lots, development plans, conditional use permits, special permits and variance permits.

The Planning Commission conducts initial hearings and makes recommendations to the Board of Supervisors on General Plan amendments, specific plans and regulations, zoning ordinance amendments and rezonings. The Planning Commission also hears and decides on major subdivisions of 100 lots or more, and any major subdivision or development plan accompanied by a rezoning.

## **APPEALS OF HEARING BODY DECISIONS**

Any decision of the Zoning Administrator on an application may be appealed to the Planning Commission, and any decision of the Planning Commission may be appealed to the Board of Supervisors. The person making the appeal must show grounds for the appeal. For a subdivision appeal, either the subdivider or a person adversely affected may appeal any decision regarding the tentative map or the required improvements.

For conditional use, variance, development plan or special permit appeal, the grounds for appeal may be that code requirements were not satisfied by the evidence presented at the hearing, or that the conditions imposed were

unreasonable, or that conditions recommended during the hearing process should have been imposed but were not. In all other matters, any person may appeal if the person's property rights or property value are adversely affected and the decision does not comply with the General Plan, or if the findings of the hearing body are not supported by evidence.

## **FILING AN APPEAL**

The appeal period is ten calendar days from the date of the decision of the hearing body. All appeals of decisions of hearing bodies must be submitted to the Community Development Division counter staff at the **Application and Permit Center, 30 Muir Road, Martinez**, prior to 5:00 p.m. on the last day of the appeal period (or 4:00 p.m. if the last day of the appeal period is on a Friday). If the tenth day falls on a holiday, Saturday or Sunday, the next working day will be treated as the final day of the appeal period.

The appeal must include:

1. A letter stating reason(s) for the appeal.
2. A filing fee of \$125. (Irrespective of who files the appeal, the applicant will be required to pay actual staff time and materials costs in excess of the \$125 appeal fee).

Anyone deciding to file an appeal, is strongly encouraged to personally file the appeal in the office of the Community Development Division, and is cautioned against mailing the appeal or otherwise using a third party delivery system. **An appeal and the \$125.00 filing fee must be received by the Community Development**

## **Division by the close of the appeal period in order for the appeal to be valid.**

Building permits may not be issued for any approved project until the **10 day appeal period has passed.**

## **REQUEST FOR RECONSIDERATION**

If pertinent information was not brought to the attention of the hearing body, a motion for reconsideration may be filed. A reconsideration is a request that the matter be returned to the hearing body which made the decision. Like an appeal, the request for reconsideration must be in writing, be accompanied by a \$125.00 filing fee and be filed with the Community Development Division by the close of the appeal period. Any request for reconsideration will be placed on the next available agenda of the hearing body. At that time, the hearing body will decide whether to grant or to deny the reconsideration request.

If the hearing body grants the reconsideration, a public hearing date will be set. If the hearing body declines to reconsider their decision, you may still file an appeal. However, you must be cautioned, that the time in which an appeal may be filed is limited to the number of days remaining from the date the reconsideration request was filed to the end of that appeal period. The staff of the Community Development Division is available to assist you to ensure that you understand the process and timing of appeals.

The staff of the Community Development Division is available to assist you. Please feel free to contact the planning staff if you have further questions.