

RESOLUTION NO. RES-2022-073

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA UPHOLDING THE CITY CLERK'S DETERMINATION TO NOT ACCEPT AN UNTIMELY APPEAL FORM AND DENYING AN APPEAL OF THE ZONING CODE APPEAL DEADLINE DETERMINATION FOLLOWING THE PLANNING COMMISSION'S ACTION ON THE PENSTEMON PLACE RESIDENTIAL PROJECT

WHEREAS, on January 27, 2022, the Planning Commission adopted a Mitigated Negative Declaration and approved a Hillside Development Permit, Conditional Use Permit and Tentative Map for the 59-unit Penstemon Place project located at 2574, 2842 and 2862 Linwood Avenue; and

WHEREAS, information on the appeal period to appeal a Planning Commission action was included in the Public Hearing notice for the Penstemon Place project, which was mailed to property owners and occupants of properties within 600 feet of the project site, including to the appellant; and

WHEREAS, Santa Rosa Zoning Code Section 20-62.030(B)(1) requires that appeals of a decision by the Planning Commission shall be submitted in writing, and filed on a City application form within 10 calendar days after the date of the decision, and that the time limit will extend to the following business day where the last of the specified number of days falls on a day that the City is not open for business; and

WHEREAS, the final day to appeal decisions made by the Planning Commission on January 27, 2022 was February 7, 2022; and

WHEREAS, on February 9, 2022, an Appeal of the Planning Commission's January 27, 2022 decision on the Penstemon Place project was received by the City Clerk's office; and

WHEREAS, on February 10, 2022, a letter was sent to the appellant notifying him that the Appeal was untimely and could not be accepted; and

WHEREAS, on February 17, 2022, pursuant to Santa Rosa Municipal Code Section 1-20.020, an Appeal of the appeal deadline determination was received and accepted; and

WHEREAS, Zoning Code Section 20-62.030(B)(1) specifies that appeals shall be "on a City application form", however, the form submitted by the appellant on February 7, 2022 is not a City form and did not include the language regarding the appeal period, which is included on the City's official Appeal Form; and

WHEREAS, action on the Appeal of the appeal deadline determination is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3) and 15378 in that there is no possibility that the implementation of this action may have significant effects on the environment, and that no further environmental review is required; and

WHEREAS, on April 12, 2022, the Council of the City of Santa Rosa held a duly noticed public hearing and considered the Appeal of the appeal deadline determination, all comments made at the public hearing, and all other information in the administrative record.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa hereby upholds the City Clerk's determination to not accept an untimely Appeal Form and denies the Appeal of the Zoning Code appeal deadline determination following the Planning Commission's action on the Penstemon Place residential project.

IN COUNCIL DULY PASSED this 12th day of April, 2022.

AYES: (7) Mayor C. Rogers, Vice Mayor Alvarez, Council Members Fleming, MacDonald, N. Rogers, Sawyer, Schwedhelm

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney