

# Appeal of Zoning Code Appeal Deadline

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Planning and Economic Development



- 1/27/22 – Planning Commission adopted a Mitigated Negative Declaration and approved the Penstemon Place residential project
- 2/9/22 – Appeal of the Planning Commission’s action received
- 2/10/22 – Appellant notified that the Appeal was untimely and could not be accepted
- 2/17/22 – Appeal of the appeal deadline determination was received and accepted

The appellant has provided the following grounds for appeal:

1. No information about the deadline for appeals was included in the neighborhood signs notifying the public of the Planning Commission hearing on January 27, 2022; and
2. Planning staff gave the appellant incorrect information about the appeals process before the appellant filed the Appeal on February 9, 2022.



- 1/27/22 the Planning Commission approved the Penstemon Place project – a 59-unit, single-family residential project located in southeast Santa Rosa
- Zoning Code Section 20-62.030 states that Appeals shall be filed within 10 calendar days, and the time extends to the following business day if the last day falls on a day the City is closed
- The final day to appeal was 2/7/22
- The appellant submitted an Appeal on 2/9/22, two days after the appeal deadline



- The appeal period information was included on the Public Hearing notice for the project
- Staff has confirmed that the Public Hearing notice was mailed to the appellant's residence
- The Zoning Code requires Appeals to be “on a City application form” – the form submitted by the appellant is not a City form
- The City Appeal form includes a statement regarding the 10-calendar day deadline, which was omitted from the form the applicant submitted

It is recommended by the Planning and Economic Development Department and the City Clerk's Office that the Council, by resolution:

- Uphold the Planning and Economic Development Department and Department of City Clerk's determinations to not accept an untimely Appeal Form and deny an Appeal of the Zoning Code appeal deadline determination following the Planning Commission's action on the Penstemon Place residential project.