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CITY OF SANTA ROSA
CITY CLERK'S OFFICE

APPEAL FORM

Date Received:

Fee:

City Clerk's Office/Rec'd by:

Name of Appellant: Steve Osborn

TO THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL:

The above named appellant does hereby appeal to your Honorable Body the following:

The decision of the: City Clerk

Decision date: 2/10/22

Decision: Denial of appeal for Penstemon Place development because the appeal was submitted after the 10-day deadline

Name of Applicant/Owner/Developer: McIntosh Builders

Type of application: Tentative Map

Street address of subject property: 2574, 2842 and 2862 Linwood Avenue

The grounds upon which this appeal is filed are:

1. No information about the deadline for appeals was included in the neighborhood signs notifying the public of the Planning Commission hearing on Jan. 27.
2. City planner Susie Murray gave the appellant incorrect information about the appeals process before the appellant filed the appeal on Feb. 9.

The specific action which the undersigned wants the City Council to take is:

1. Reconsider the appeal based on the following narrative:

After the Planning Commission approved the Penstemon Place project on Jan. 27, the appellant reluctantly accepted the outcome and wrote an email to Susie Murray the next day expressing that acceptance. Here is that Jan. 28 email in full:

Susie,

Now that the public hearing is over, I just want to thank you for your help with the process. It was a pleasure to work with you.

I do have to say, however, that I was quite disappointed by the staff report's lack of response to the hundreds of public comments. The few scant paragraphs on pages 9-10 are inadequate at best. In previous development proposals for our neighborhood, staff responded to public comments point by point. You did mention that responses are no longer required since the MND is not an EIR, but it's nonetheless frustrating to solicit so many comments and see such limited response.

Be that as it may, we are resigned to more beeping bulldozers, dust clouds and blocked roads for the next few years.

I haven't decided whether to participate in the General Plan update, especially since I don't reside in Santa Rosa proper. Is the update open to county residents?

Steve

In the days after writing that email, the appellant kept considering the facts behind the Planning Commission's decision. He believed the decision was flawed because the Commission hadn't considered important information about traffic circulation and because one of the commissioners didn't seem to be paying attention during the hearing. Finally, on the evening of Feb. 8, the appellant recalled that Planning Commission decisions are sometimes appealed to the City Council. The next morning (Feb. 9), he wrote to Susie Murray asking for information about appeals. His email testifies to his ignorance of the appeals process:

Hi Susie,

Per my voicemail, I'd like to file an appeal to the City Council of the Planning Commission's approval of Penstemon Place. The basis for the appeal is that the traffic study was inadequate because it didn't include the Brookwood Extension.

What are the rules for making an appeal? Does it have to be made within a certain number of days? Is there an application form? Does it require an official's signature? I haven't been able to find anything about appeals on the city's website, so I'm turning to you.

Looking forward to your answers. Thanks!

Steve

After sending that email, the appellant spent more time on the city's website and ultimately found the appeals form as one of 1,192 results for the search term "appeals." The form said that the deadline for appeals is "within 10 calendar days after the date of the decision." The appellant wrote back to Susie Murray wondering if the deadline could be extended:

Susie,

I found the appeal form, but it says that appeals must be filed "within 10 calendar days after the date of the decision." That means the deadline was last Monday, 2/7. To be honest, the idea of appealing only occurred to me last night as I was struggling to fall asleep. Can the deadline be extended to today, 2/9? I can submit the form later today.

Steve

Ms. Murray responded by phone and informed the appellant that he should have known about the appeals deadline because information about the appeals process was included in the public hearing notifications. After hanging up, the appellant decided to file the appeal despite the deadline issue. The day after filing the appeal at the City Clerk's office, the appellant took a photo of the public hearing notice posted on Linwood Avenue (see below). The notice does not include any information about appeals, meaning that Ms. Murray's statement was incorrect.

Given the narrative above, the appellant believes that the City Clerk's refusal to accept his appeal because it missed the deadline is simply unfair. Prior to Feb. 9, the appellant had no information about the appeals process other than a vague memory that appeals could be made. He received no information about appeals before or during the public hearing, either from the city or from the

commissioners themselves. It seems unreasonable to expect that he should have filed an appeal by the deadline when he could not reasonably have been aware of the deadline.

In conclusion, the appellant would like to suggest that the city include information about appeals in notices of Planning Commission hearings, and that planning commissioners explain during the hearing how their decisions can be appealed to the City Council.

[Redacted Signature]

2/17/22

Applicant's Signature/Date

Steve Osborn,

[Redacted Address]

SR 95404

Applicant's Name/Address

207-

[Redacted Phone Number]

Applicant's Phone



NOTICE OF PUBLIC HEARING

CITY OF SANTA ROSA PLANNING COMMISSION MEETING
on Thursday, January 27, 2022, at or after 4:30 P.M.
Virtual Public Meeting Format

PROJECT NAME - Penstemon Place

PROJECT ADDRESS - 2574, 2842 & 2862 Linwood Avenue, Santa Rosa

PROJECT DESCRIPTION - Penstemon Place is a proposal to develop a 59-lot, single-family, detached subdivision. The Planning Commission will consider a Mitigated Negative Declaration, a Conditional Use Permit for a small lot subdivision; a Hillside Development Permit because a portion of the site has slopes greater than ten percent; and a Tentative Map to subdivide an approximately 9.73-acre area into 59 individual lots. The site is located at 2574, 2842 and 2862 Linwood Avenue. The application was filed by Aaron Matz, McIntosh Development LLC.; File No. PRJ16-032

PURPOSE OF MEETING

To receive public comment and recommendations prior to acting on the requested applications. Participation instructions are available at srcity.org/pc.

JOIN THE MEETING

To slow the spread of COVID-19 and to protect the health of the public and staff, the City is conducting virtual public meetings:

www.zoom.us/join - Meeting ID: **988 0836 6416**
(877) 853 5257 (Toll Free) with Meeting ID: **988 0836 6416**

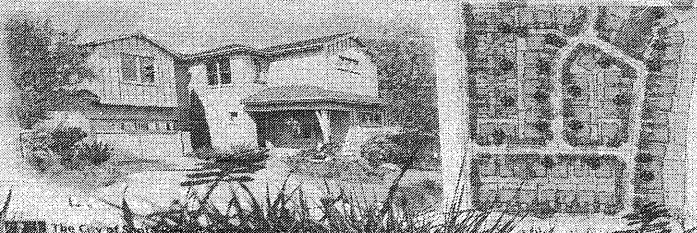
Public Comments will be accepted during the virtual public meeting. You may also submit comments prior to the meeting using the contact information below.

ACCESS TO MEETING MATERIALS

Meeting access information (including instructions) and meeting documents are available online at srcity.org/pc.

CONTACT

Susie Murray, Project Planner
707-543-4348 or SMurray@srcity.org



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