

Santa Rosa City Code

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Chapter 20-62 APPEALS

20-62.010 Purpose of Chapter.

This Chapter establishes procedures for the appeal and review of decisions and determinations of the Director, Zoning Administrator, DRB, CHB, and Commission.

(Ord. 3677 § 1, 2004)

20-62.020 Appeal subjects and jurisdiction.

An applicant, other interested person, or an officer or official of a public entity, who considers an action (e.g., decision, determination, etc.) taken under the provisions of this Zoning Code by an official or City review authority to have been erroneously taken may appeal the action in compliance with the following:

- A. Director decisions. A determination or decision by the Director may be appealed to the DRB, CHB, Commission, or Council as applicable to the decision.
- B. Zoning Administrator decisions. A determination or decision by the Zoning Administrator may be appealed to the DRB, CHB, Commission, or Council as applicable to the decision.
- C. CHB decisions. A decision by the CHB may be appealed to the Council; provided that a member of the CHB shall not be allowed to appeal a CHB decision.
- D. DRB decisions. A decision by the DRB may be appealed to the Council; provided that a member of the DRB shall not be allowed to appeal a DRB decision.
- E. Commission decisions. A decision by the Commission may be appealed to the Council; provided that a member of the Commission shall not be allowed to appeal a Commission decision.

(Ord. 3677 § 1, 2004)

20-62.030 Filing and processing of appeals.

- A. Eligibility. Any action by the Director, Zoning Administrator, DRB, CHB, or the Commission in the administration or enforcement of the provisions of this Zoning Code may be appealed by any aggrieved person in compliance with this Chapter. (See Table 5-1 (Review Authority) in Division 5 (Land Use and Development Permit Procedures).
- B. Timing and form of appeal.
 - 1. General appeals. Appeals shall be submitted in writing, and filed with the Department on a City application form within 10 calendar days after the date of the decision. 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.
 - 2. Review authority. The review authority for appeals is shown in Table 6-1.

TABLE 6-1—APPEAL REVIEW AUTHORITY

Permit Type	Review Authority	Appeal Body	City Code Section
Conditional Use Permit	Commission	Council	20-52.050

TABLE 6-1—APPEAL REVIEW AUTHORITY

Permit Type	Review Authority	Appeal Body	City Code Section
Design Review	DRB	Council	20-52.030
Design Review	Zoning Administrator	DRB	20-52.030
Growth Management	Director	Council	21-03.130
Hillside Development Permit—Single dwelling or addition	Zoning Administrator	Commission	20-32.060
Hillside Development Permit—All other	Commission	Council	20-32.060
Landmark Alteration Permit—Major	CHB	Council	20-58
Landmark Alteration Permit—Minor	Director	CHB	20-58
Minor Adjustment	Director	Commission	20-52.060
Minor Conditional Use Permit	Zoning Administrator	Commission	20-52.050
Minor Variance	Zoning Administrator	Commission	20-52.060
Parcel Maps	Subdivision Committee	Commission	19-32.050
Sign Permit or Program	Director	DRB	20-38.030
Sign Permit or Program—H overlay	CHB	Council	20-38.030
Surface Mining	Commission	Council	17-32.170
Tentative Map	Commission	Council	19-24.100
Telecommunication	DRB/Commission	Council	20-44
Tree Permit	Director	Commission	17-24.090
Variances	Commission	Council	20-52.060

2. Appeal of Commission denial of amendment. An appeal of a Commission denial of an amendment shall be filed with the City Clerk within 10 days following the date of the Commission action.
3. Place for filing.
 - a. Appeals from the determinations or decisions of the Director shall be addressed to the Zoning Administrator, DRB, CHB, or Commission, as applicable to the decision, and filed with the Department.
 - b. Appeals from the determinations or decisions of the Zoning Administrator shall be addressed to the DRB, CHB, or Commission, as applicable to the decision, and filed with the Department.
 - c. Appeals from the decisions of the DRB, CHB, or Commission shall be addressed to the Council and filed with the City Clerk.
4. Pertinent facts. The written appeal shall state the pertinent facts of the case and shall specify the following:
 - a. The decision appealed from (e.g., City assigned case number);
 - b. The basis for the appeal;
 - c. The specific action which the appellant wants taken in the appeal;
 - d. Each and every ground upon which the appellant relies in making the appeal.
5. Filing fee. Appeals shall be accompanied by the required filing fee, in compliance with the Council's Fee Schedule.

C. Joining an appeal.

1. Appellants. Only those persons who file an appeal within the specified appeal period shall be considered appellants of the matter under appeal.
 2. Procedures for joining an appeal. Any person who wishes to join an appeal shall follow the same procedures for an appellant.
 3. No joining after appeal period. No person shall be allowed to join an appeal after the end of the specified appeal period.
- D. Delay of proceedings. Timely filing of a written appeal shall automatically stay all proceedings associated with the matter subject to the appeal (e.g., issuance of a Certificates of Occupancy, Building or Grading Permit, etc.), and put in abeyance all permits or approvals which may have been granted, and neither the applicant nor any enforcing agency may rely upon the approval, decision, denial, or other action, until the appeal has been resolved.
- E. Report and scheduling of hearing.
1. Director's report.
 - a. When an appeal has been filed, the Director shall prepare a report on the matter, and schedule the matter for consideration by the applicable review authority identified in Section [20-62.020](#), above.
 - b. The hearing on the appeal shall be scheduled for the earliest regular meeting following the date on which the appeal was accepted as filed. The applicable review authority may continue the hearing from time to time until its determination on the appeal, in compliance with Section [20-66.040](#) (Hearing Procedure.)
 2. Appeal to the DRB, CHB, or Commission. An appeal to the DRB, CHB, or the Commission shall be scheduled by the Director, at its earliest regular meeting, consistent with agenda preparation procedures, meeting schedules, and notice requirements, if applicable.
 3. Appeal to the Council. An appeal to the Council shall be scheduled by the City Clerk, at its earliest regular meeting, consistent with Council agenda preparation procedures, Council meeting schedules, and notice requirements, if applicable.
 4. Public hearing.
 - a. Public hearing required. If one or more of the situations identified in Subparagraph 4. b, immediately below, applies, a public hearing shall be held.
 - b. Public hearing not required. The Commission or Council need not hold a public hearing in considering a matter on appeal, unless:
 - (1) A public hearing was required before making the decision appealed from; or
 - (2) The review authority deems a public hearing desirable.
 - c. Public hearing notice. When a public hearing is required, or deemed desirable under this Subsection, notice shall be given, in compliance with Chapter [20-66](#) (Public Hearings), and by mailing a copy of the notice by first class mail, postage prepaid, to the applicant, the appellant, and to any other person who has filed a written request for the notice with the Director or City Clerk, as applicable to the decision.
- F. Action. The review authority may consider any issue involving the matter that is the subject of the appeal, in addition to the specific grounds for the appeal.
1. The review authority may:
 - a. Affirm, affirm in part, or reverse the action, the determination, or decision that is the subject of the appeal;
 - b. Adopt additional conditions of approval, that may address issues or concerns other than the subject of the appeal; or
 - c. Deny the land use permit or approval granted by the previous review authority, even though the appellant only requested a modification or elimination of one or more conditions of approval.

2. If new or different evidence is presented on appeal, the Commission or Council may refer the matter to the Director or Commission for further consideration.

(Ord. 3677 § 1, 2004)

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