

# City of Santa Rosa



## Legislation Details

**File #:** 22-0278      **Version:** 1      **Name:** Appeal of Zoning Code Appeal Deadline  
**Type:** CC- Public Hearing      **Status:** Agenda Ready  
**File created:** 3/22/2022      **In control:** City Council  
**On agenda:** 4/12/2022      **Final action:**  
**Title:** PUBLIC HEARING - APPEAL OF ZONING CODE APPEAL DEADLINE DETERMINATION

**BACKGROUND:** 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. Zoning Code Section 20-62.030(B)(1) requires that appeals of a decision by the Planning Commission shall be filed within 10 calendar days after the date of the decision. On February 9, 2022, an appeal of the Planning Commission's January 27, 2022, decision was received by the City Clerk's office, which was two days after the appeal deadline. On February 10, 2022, a letter was sent to the appellant notifying him that the Appeal could not be accepted. On February 17, 2022, an Appeal of the appeal deadline determination was submitted pursuant to Municipal Code Section 1-20.020, which allows appeals of a decision by a City official within 15 days of the date of decision.

**RECOMMENDATION:** 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 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.

**Sponsors:** Planning and Economic Development

**Indexes:** Not a Project

**Code sections:** 15061(b)(3) - General Rule Exemption, 15378 - Not a Project

**Attachments:** 1. Staff Report, 2. Attachment 1 - Appeal Form received 2-9-22, 3. Attachment 2 - Letter Rejecting Appeal Application, 4. Attachment 3 – Appeal Form, Received 2-17-22, 5. Attachment 4 - City of SR Appeal Form, 6. Attachment 5 - ZC Chapter 20-62 APPEALS, 7. Attachment 6 - PHN Postcard, 8. Attachment 7 - Muni Code Ch.1-20 APPEALS BEFORE CITY COUNCIL, 9. Resolution, 10. Presentation, 11. Appellant Presentation

Date	Ver.	Action By	Action	Result
4/12/2022	1	City Council	to waive reading of the text and adopt	Pass