



Community Development Department Planning Division

APPEALS OF PLANNING ACTIONS

PURPOSE: Any applicant or interested party may appeal a final decision of the Planning Division to a higher authority (BMC 17.124). The appeal must address the criteria set forth below and may be appealed as follows:

Final Decisions of the Community Development Director related to design review applications may be appealed to the Historic Preservation Review Commission. Final decisions of the Community Development Director (relating to all other types of applications), the Zoning Administrator, and the Historic Preservation Review Commission may be appealed to the City Council, if certain criteria are met.

APPLICATION: An appeal must be filed with the Planning Division within 10 calendar days of the date of a planning decision, by 5:00 p.m. of the last day. If the date falls on a weekend or holiday, the deadline for appeals is extended to the next working day. The decision being appealed is not effective until the appeal is resolved. Basic background information about the project and details of the planning action is required on the application form. The appeal must address one or more of the following issues:

- Where the decision or action is inconsistent with the purposes of the Zoning Ordinance;
- Where there was an error or abuse of discretion by the decision-making body;
- Where there is inaccurate information in the application record; or
- Where the decision is not supported by the record.

The appeal must be based upon the information in the record, and on the application, plans, and related project materials reviewed by the decision-making body prior to the decision being appealed.

SCHEDULING: An appeal is scheduled for hearing before the Historic Preservation Review Commission, Planning Commission, or City Council within 60 days of the department's receipt of an appeal application. Public hearing notices for the meeting are mailed, posted or published in the same manner as for the original application.

ACTION: At the appeal hearing, the Historic Preservation Review Commission, Planning Commission, or City Council will consider all pertinent material, including all documents constituting the administrative record, as well as new evidence, suggestions or arguments relative to the decision. Testimony by the appellant, applicant, and any other interested person is heard. After the hearing, the decision-making body will affirm, modify, or reverse the original decision. A written notice of the decision-making body is mailed to the applicant and appellant following the meeting.

EFFECTIVE DATE: A decision by the City Council regarding an appeal becomes final on the date of decision. A Planning Commission or Historic Preservation Review Commission action on an appeal becomes final on the date of decision, except for certain actions which may be appealed to a higher level within 10 business days of the appeal decision.

RE-APPLICATION: Following the denial of an appeal, any matter that is the same or substantially the same cannot be considered by the decision-making body within one year, unless the denial of the original project was made without prejudice.

RELATED FORMS AND INFORMATION:

- Appeal Form
- Fee Schedule