



Community Development Department Planning Division

APPEALS OF PLANNING ACTIONS

PURPOSE: Any applicant or interested party may appeal a final decision of the Planning Division, Historic Preservation Review Commission or Planning Commission (BMC 1.44 and 17.124). The appeal must address the criteria set forth below and may be appealed as follows:

BODY TO HEAR APPEAL:

- 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) may be appealed to the Planning Commission. (BMC 1.44.100, 17.124.010)
- Final decisions of the Zoning Administrator may be appealed to the Planning Commission. (BMC 17.124.010)
- Final decisions of the Historic Preservation Review Commission may be appealed to the Planning Commission. (BMC 1.44.100, 17.124.010)
- Final decisions of the Planning Commission may be appealed to the City Council. (BMC 1.44.100, 17.124.010)

APPEAL PROCEDURES:

- An appeal must be filed with the City Clerk within ten business days of the date of a planning decision. An appeal may be filed between the regular business hours of 8:30 am to 5:00 p.m., Monday through Friday. If the date falls on a weekend or holiday, the deadline for appeals is extended to the next working day. During the pendency of an appeal, the decision being appealed is not final. (BMC 1.44.040).
- The appeal will be heard at the first regular meeting which follows receipt of the appeal application by 14 or more days, and which allows sufficient time for the giving of notice as required by BMC 1.44.090. (BMC 1.44.040).
- The appeal application must contain sufficient information to identify the party making the appeal, its interest in the matter, and the reasons for requesting an appeal. (BMC 1.44.040).
- The appeal application must be accompanied by an appeal fee in the amount of \$536.00. (BMC 1.44.080).
- The hearing body will consider all pertinent material, including all documents constituting the administrative record, as well as new evidence, suggestions or arguments relative to the decision. After the hearing, the decision-making body may 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. (BMC 1.44.040).

HEARING: The procedure for an appeal hearing is as follows:

- Presentation by Staff
- Presentation by Proponent or Appellant (maximum 15 minutes)
- Presentation by Opponent (maximum 15 minutes)
- Comments from the Public
- Rebuttal by Proponent or Appellant (maximum of 5 minutes)

EFFECTIVE DATE: An appealed decision becomes final on the date of the decision on the appeal, unless that decision is appealed to another body (see section re: Body to Hear Appeal, above.) (BMC 1.44.100, 17.124.010)

RE-APPLICATION: Following denial of an appeal or certification of a decision called for review, any matter that is the same or substantially the same shall not be considered by the same body within one year, unless the denial or certification is made without prejudice. (BMC 17.124.030).