

City of Sonoma Appeal Application Form

For City Use

Date Received _____

By _____

- A copy of the rights of appeal and the City's appeal procedures may be found on the reverse of this form
- The fee to file an appeal is **\$100.00** and must accompany this form
- Appeals must be filed with the **City Clerk** within **fifteen (15) calendar days** of the action
- Appeals must address issues raised or decisions made at previous hearings. Appeal hearings cannot be used as a forum to introduce new issues
- In order for your appeal to be valid this form must be filled out completely.

Feel free to attach additional sheets or supporting documentation as may be necessary.

APPELLANT INFORMATION: (Please Print)

Name: _____

Name: _____

Address: _____

Address: _____

Phone: _____

Phone: _____

I/We the undersigned do hereby appeal the decision of the:

Planning Commission

Design Review Commission

City Planner or Department Staff

Other: _____

Regarding: _____
(Title of project or application)

Located at: _____
(Address)

Made on: _____
(Date decision was made)

I/We hereby declare that I/We are eligible to file an appeal because:

(Refer to Section 19.84.30-A, Eligibility, on the reverse)

The facts of the case and basis for the appeal are:

I/We request that the Appeal Body take the following specific action(s):

Signed: _____
Signature

Date

Signature

Date

APPEALS

19.84.010 Purpose of chapter. Determinations or actions of the city planner and city commissions may be appealed as provided by this chapter. (Ord. 2003-02 § 3, 2003).

19.84.020 Appeal subjects and jurisdiction. Determinations and actions that may be appealed, and the authority to act upon an appeal shall be as follows:

A. Code Administration and Interpretation. The following determinations and actions of the city planner and department staff may be appealed to the planning commission or the design review commission, as applicable, and then to the council:

1. Determinations on the meaning or applicability of the provisions of this development code that are believed to be in error, and cannot be resolved with staff;
2. Any determination that a permit application or information submitted with the application is incomplete, in compliance with state law (Government Code Section 65943); and
3. Any enforcement action in compliance with Chapter 19.90 SMC, Enforcement of Development Code Provisions.

B. Land Use Permit and Hearing Decisions. Decisions of the city planner on zoning clearances may be appealed to the planning commission or the design review commission, as applicable. Decisions by a commission may be appealed to the council. (Ord. 2003-02 § 3, 2003).

19.84.30 Filing of appeals.

A. Eligibility. An appeal may be filed by:

1. Any person affected by an administrative determination or action by the city planner, as described in SMC 19.84.020(A);
2. In the case of a land use permit or hearing decision described in SMC 19.84.020(B), by anyone who, in person or through a representative, appeared at a public hearing in connection with the decision being appealed, or who otherwise informed the city in writing of the nature of their concerns before the hearing;

3. Except as otherwise provided by law or ordinance of this city, any member of the city council may, at his/her discretion, appeal any final decision of any city commission board or official, to the city council. If an appeal is made by a council member, there shall be a presumption applied that the reason for the appeal is because the appealed decision or interpretation has significant and material effects on the quality of life within the city of Sonoma. No inference of bias shall be made because of the appeal and no other reason need be stated by the council person in his/her notice of appeal. Appeals made according to this subsection shall not be subject to any fees.

B. Timing and Form of Appeal. All appeals shall be submitted in writing on a city application form, and shall specifically state the pertinent facts of the case and the basis for the appeal. Appeals shall be filed in the office of the city clerk within 15 days following the final date of the determination or action being appealed.

C. Fee. Appeals shall be accompanied by the filing fee set by the city council's fee resolution, except as provided for in subsection (A)(3) of this section.

D. Scope of Land Use Permit Appeals. An appeal of a decision by the city planner or commission on a land use permit shall be limited to issues raised at the public hearing, or in writing before the hearing, or information that was not known at the time of the decision that is being appealed.

E. Effect of Filing an Appeal. The filing of a valid appeal shall have the effect of staying the issuance of any permit until such time as the matter on appeal is resolved. (Ord. 2003-02 § 3, 2003).

19.84.040 Processing of appeals.

A. Scheduling of Hearing. After an appeal has been received in compliance with the procedures listed in SMC 19.84.030(B), Timing and Form of Appeal, the appeal shall be transmitted to the city planner who shall place the item on the next available commission agenda, or the city clerk shall schedule the matter for the next available council agenda, as applicable to the appeal.

B. Report. After the appeal hearing has been scheduled, the city planner shall prepare a report on the matter, and forward the report to the appropriate appeal body.

C. Joining an Appeal. Only those persons who file an appeal within the 15-day appeal period in compliance with SMC 19.84.030(A), Eligibility, shall be considered the appellants of the subject permit. Any person who wishes to join an appeal shall follow the same procedures for an appellant in compliance with subsection (A) of this section. No person shall be allowed to join an appeal after the end of the 15-day appeal period.

D. Action and Findings.

1. General Procedure. The appeal body shall conduct a public hearing in compliance with Chapter 19.88 SMC, Public Hearings. At the hearing, the appeal body may consider any issue involving the matter that is the subject of the appeal, in addition to the specific grounds for the appeal.

- a. The appeal body may affirm, affirm in part, or reverse the action, decision, or determination that is the subject of the appeal, based upon findings of fact about the particular case. The findings shall identify the reasons for the action on the appeal and verify the compliance or noncompliance of the subject of the appeal with the provisions of this development code.
- b. When reviewing a decision on a land use permit, the appeal body may adopt additional conditions of approval that may address other issues or concerns than the subject of the appeal.

2. Appeals to the City Council.

- a. By an Appellant. A decision by a commission may be appealed to the city council as provided by SMC 19.84.030, Filing of appeals.
- b. Council's Decision Is Final. The decision of the council on an appeal shall be final.
- c. Tie Vote. A tie vote by the city council with regard to an appeal shall result in the affirmation of the decision of the body whose decision was appealed.

E. Effective Date of Appeal Decision. A decision by the commission is effective on the sixteenth day after the decision, when no appeal to the decision has been filed with the council. A decision by the council is effective as of the date of the decision. A final decision by the city council with regard to an appeal shall take the form of a resolution. (Ord. 2003-02 § 3, 2003).