

Sec. 35-327. Appeals.

Sec. 35-327.1. Purpose and Intent

The purpose of this Sec. 35-327 is to provide procedures and to establish criteria for appeals to the Planning Commission and the Board of Supervisors.

*Sec. 35-327.2. Appeals to the Planning Commission.
(Amended by Ord. 4228, 6/18/96; City Ord. 07-06, 6/4/2007)*

1. The decisions of the Planning and Development Department on the approval, denial, or revocation of Land Use Permits, final approval of projects under the jurisdiction of the Director, or decisions of the Board of Architectural Review may be appealed to the Planning Commission by the applicant or any interested person adversely affected by such decision. The appeal, which shall be in writing, and accompanying fee must be filed with the Planning and Development Department within ten (10) calendar days of the date of the decision of the Planning and Development Department as follows:
 - a. Within the ten (10) calendar days following the date of decision for projects under the jurisdiction of the Director.
 - b. Within the ten (10) calendar days following the posting date for the notice of Land Use Permit approval, as required by Section 35-326., or if denied, within the ten (10) calendar days following the decision of the Planning and Development Department to deny such permit application.
 - c. Within the ten (10) calendar days following the date of final decision by the Board or Architectural Review (BAR). If final approval by the BAR is appealed, the hearing on the appeal shall only be held after the decision on the Land Use Permit but, prior to the issuance of the Land Use Permit for such project. The BAR appeal shall be processed concurrently with any appeal of the Land Use Permit. If a denial by the BAR is appealed, a separate hearing shall be held on the BAR appeal prior to the decision on the Land Use Permit. No permits shall be issued until all appeals have been heard and/or resolved.
 - d. The appellant shall state specifically in the appeal how 1) the decision of the Planning and Environmental Services Department on a Land Use Permit, or a decision of the Director or the DRB, is not in accord with the provisions and purposes of this Article or 2) there was an error or an abuse of discretion by the Planning and Environmental Services Department, Director or DRB. *(Amended by City Ord. 07-06, 6/4/07)*
2. Prior to the hearing on said appeal, the Planning and Development Department shall transmit to the Planning Commission copies of the permit application including all maps and data and a statement setting forth the reasons for the decision by the Planning and Development Department, Director, or Board of Architectural Review.

APPEALS

3. The Planning Commission hearing shall be de novo and the Commission shall affirm, reverse, or modify the decision of the Planning and Development Department, Director, or Board of Architectural Review at a public hearing. Notice of the time and place of said hearing shall be given in accordance with Sec. 35-326 (Noticing), and notice shall also be mailed to the appellant.

Sec. 35-327.3. Appeals to the Board of Supervisors.

1. The decisions of the Planning Commission or Zoning Administrator may be appealed to the Board of Supervisors by the applicant or any interested person adversely affected by such decision. The appeal, which shall be in writing and accompanying fee, must be filed with the Clerk of the Board of Supervisors within the ten (10) calendar days following the date of the Planning Commission's or Zoning Administrator's decision.
(Amended by Ord.4228, 6/18/96)
2. The appellant shall state specifically in the appeal how the decision of the Planning Commission or Zoning Administrator is inconsistent with the purposes of this Article or the error or abuse of discretion committed by the Planning Commission or Zoning Administrator.
3. Prior to the hearing on said appeal, the Clerk of the Board of Supervisors shall notify the Planning Commission or Zoning Administrator that an appeal has been filed. The Planning Commission or Zoning Administrator shall then transmit to the Board of Supervisors copies of the application including all maps and data and a statement of findings setting forth the reasons for the decision by the Planning Commission or Zoning Administrator.
4. The Board of Supervisors hearing shall be de novo and the Board shall affirm, reverse, or modify the decision of the Planning Commission or Zoning Administrator considered at a public hearing. Notice of the time and place of said hearing shall be given in accordance with Sec. 35-326. (Noticing), and notice shall also be mailed to the appellant.
(Amended by Ord.4005,2/21/92)