

Sunnyvale Municipal Code

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(a) Appeal of Design Review Permits.

(1) Design Review by Director. An applicant, the owner of the subject property, or the owner of a property within the required noticing radius as described in Section 19.98.040, aggrieved by a design review decision of the director of community development with regard to nonconformance with applicable design guidelines may file an appeal to the planning commission by five p.m. on the fifteenth calendar day following such action. All proceedings initiated by the decision of the director of community development shall be suspended pending a determination by the planning commission on the merit of the appeal. The decision of the planning commission is final.

(2) Design Review with Public Hearing. An applicant, the owner of the subject property, or the owner of a property within the required noticing radius as described in Section 19.98.040, aggrieved by a design review decision of the planning commission made pursuant to Section 19.80.040(c) with regard to nonconformance with applicable design guidelines may file an appeal to the city council by five p.m. on the fifteenth calendar day following such action. All proceedings initiated by the decision of planning commission shall be suspended pending a determination by the city council on the merit of the appeal. The decision of city council is final.

(b) Appeal of Tree Removal Permits. The owner of the subject property, aggrieved by a tree removal permit decision of the director of community development may file an appeal to the planning commission after the date of such decision. All proceedings initiated by the decision of the director of community development shall be suspended pending a determination by the planning commission on the merit of the appeal. The decision of the planning commission is final.

(c) Appeal of All Other Permits and Actions. Any person aggrieved, including a member of the planning commission or city council, by the decision of the director of community development, heritage preservation commission or planning commission may file an appeal after the date of such decision. The appeal shall be in writing stating the grounds therefor. All proceedings initiated by the decision of the director of community development or planning commission shall be suspended pending a determination on the merit of the appeal.

(1) Any decision by the director of community development may be appealed to the planning commission and city council, except:

(A) Miscellaneous plan permits and design reviews of wireless telecommunications facilities in the public right-of-way, where the decision of the planning commission is final; except that decisions by the director on findings of convenience or necessity may be appealed directly to the city council.

(B) A decision by the director on a tree removal permit, where the decision by the planning commission is final.

(C) A decision by the director on an application for reasonable accommodation, where the decision by the planning commission is final.

(D) A decision by the director on a variance request on the maximum height of a ground sign, where the decision by the planning commission is final.

(E) A decision by the director on an application to operate a large family child care home in a single-family dwelling, where the decision of the director is final.

(F) A decision by the director that a mobile home park is undergoing a conversion due to reduced occupancy under Chapter 19.72 (Mobile Home Park Conversions) where the appeal is directed to the city council.

(G) A decision by the director regarding a heritage landmark, heritage resource or property located within a heritage landmark district or heritage resource district, where the appeal is directed to the heritage preservation commission, whose decision may be appealed to the city council.

(2) Any action by the planning commission may be appealed to the city council, other than those noted in this section as final with the planning commission.

(3) The following decisions by the heritage preservation commission may be appealed to the city council.

(A) A determination made of whether to recommend designation as a proposed heritage resource or heritage resource district;

(B) The decision to approve, approve as modified, or to deny a landmark alteration permit.

(4) Appeals of decisions by the director of community development to the planning commission shall be filed with the department of community development:

(A) By five p.m. on the fifteenth calendar day following such decision;

(B) By the fifteenth calendar day by a planning commission or city council member on the record at a public hearing. A meeting which extends past midnight is considered to occur on the day it began.

(5) Appeals to the city council shall be filed with the city clerk:

(A) By five p.m. on the fifteenth calendar day following such action;

(B) By the fifteenth calendar day by a planning commissioner or city council member on the record at a public hearing. A meeting which extends past midnight is considered to occur on the day it began.

(d) Appeal of arts commission permit for installation of artwork. Any person aggrieved by an action of the arts commission under Section 19.52.060, including any arts commissioner or city council member, may appeal such action to the city council by filing a written appeal with the city council within fifteen calendar days after the date of such action, in accordance with the procedures for filing appeals to the city council, as set forth in subsection (b)(5) of this section. (Ord. 3031-13 § 5; Ord. 3004-13 § 10; Ord. 2987-12 § 13; Ord. 2983-12 § 6; Ord. 2966-11 § 22; Ord. 2908-09 § 8; Ord. 2808-06 § 8; Ord. 2745-04 § 10; Ord. 2650-00 § 10; Ord. 2623-99 § 1; prior zoning code §§ 19.20.100, 19.44.030(a)—(c), (d), 19.50.060, 19.51.020(e), (f), (g), 19.52.025(g), (g)(3), 19.52.100, 19.52.110, 19.52.120, 19.52.135, 19.54.060, 19.54.070, 19.54.095, 19.56.060, 19.56.075, 19.56.080, 19.56.095, 19.57.030(e), 19.60.011(d), 19.60.027, 19.72.050 (c)(1)—(2)).