

## AGENDA ITEM SUMMARY

City Council



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### STAFF

Paul Sizemore, Director, Community Development & Neighborhood Services  
Jenny Axmacher, Senior City Planner  
Aaron Guin, Legal

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### SUBJECT

**Resolution 2022-095 Making Findings of Fact Regarding the Appeal of the Administrative Hearing Officer's Decision Approving the Sanctuary on the Green Project Development Plan #PDP210018.**

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### EXECUTIVE SUMMARY

The purpose of this item is to make findings of fact regarding the appeal of the Administrative Hearing Officer's Decision to approve the Sanctuary on the Green Project Development Plan. The appeal was heard by Council on August 16, 2022.

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### STAFF RECOMMENDATION

Staff recommends adoption of the Resolution.

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### BACKGROUND / DISCUSSION

On May 2, 2022, an Administrative Hearing was held to consider the application for the Sanctuary on the Green Project Development Plan #PDP210018. The Hearing Officer issued a Decision on May 16, 2022, to approve the PDP application with two modifications of standards, alternative compliance for LUC Section 3.6.3(D) – (F), and two conditions of approval. On May 31, 2022, a Notice of Appeal (the "Notice") was filed by the Sanctuary Field Neighborhood Network, with the following allegations:

1. The Administrative Hearing Officer failed to conduct a fair hearing because he considered evidence relevant to his findings that was substantially false or grossly misleading.
2. The Administrative Hearing Officer failed to conduct a fair hearing because the Hearing Officer was biased against the appellant by reason of a conflict of interest or other close business, personal or social relationship that interfered with the Hearing Officer's independence of judgement.
3. The Administrative Hearing Officer failed to properly interpret and apply six sections of the Land Use Code, including Section 1.2.2 (Purpose), Section 3.5.1 (Building and Project Compatibility), Section 4.5(D)(1) (Low Density Mixed-Use Neighborhood District (L-M-N); Land Use Standards; Density), Section 3.4.7 (Historic and Cultural Resources), Section 3.5.2(D)(1) (Residential Building Standards; Relationship to Dwellings to Streets and parking; Orientation to a Connecting Walkway) and 4.5 (D)(2)(a) (Low Density Mixed-Use Neighborhood District (L-M-N); Land Use Standards Mix of Housing).

On August 16, 2022, Council conducted a hearing to consider the allegations in the appeal, the record on appeal, and presentations by City staff, the Appellant's representative and Applicant's legal counsel. After discussion, Council voted to deny the appeal, finding that the Administrative Hearing Officer conducted a fair hearing and properly interpreted applicable sections of the Land Use Code.

## **ATTACHMENTS**

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1. Resolution for Consideration