

**DIVISION IX
APPEALS OF DETERMINATIONS TO REQUIRE AN EIR**

Section 901 - Right to Appeal

- a. The Project Sponsor may appeal the determination that a project may have a significant effect on the environment.
- b. Appeals of the determination of Planning Director that a project may have a significant effect on the environment shall be directed to the City Council and shall be accompanied by the fee set forth in Ordinance No. 95-101.
- c. An appeal from a determination that a project may have a significant effect on the environment shall not be accepted unless it contains the name and mailing address of the appellant and briefly discusses how the proposed project will avoid the adverse environmental effects documented in the Initial Study, and a list of names and addresses of owners of real property which is located within 300 feet of the exterior boundaries of the project site, as such owners are shown on the last equalized assessment roll. All such appeals shall be filed with the Planning Department within 10 days of receipt by the Project Sponsor of the Planning Director's determination that an EIR will be required.

Section 902 - Public Hearing

Appeals from a determination that a project may have a significant effect on the environment shall be set for hearing within 30 days after receipt of a complete appeal by the Planning Department. Public notice of the appeal hearing shall be given at least 10 days prior to the hearing by the procedures provided in Section 901 of these rules and shall also be mailed to the Project Sponsor, all responsible agencies, and all public agencies having jurisdiction by law with respect to the project. Such notice shall include the following information:

- a. A brief description of the project and its proposed location.
- b. The date, time and place of the hearing.
- c. That an appeal has been filed on the determination that an EIR should be prepared.

- d. That the City Council may determine at the hearing that the project will not have a significant effect on the environment, and if so determined, an EIR will not be required.
- e. A statement that prior to making a decision, the City Council will consider all testimony, or and written, as to whether the project may have a significant effect on the environment.

Section 903 – Notice of Decision

The City Council shall hear relevant testimony from interested persons and make its decision within a reasonable time after the close of the public hearing. The City Council shall state the reasons for its decision, which reasons shall be made a part of the written record of the project. A copy of the notice of decision shall be mailed to the appellant and to any person who has made a written request for a copy of the decision.