

City of San Diego  
MEMORANDUM

RECEIVED

OCT - 3 2003

COUNCILMEMBER  
DONNA FRYE

DATE: October 3, 2003

TO: Michael Uberuaga, City Manager

FROM: Tina Christiansen, AICP, Director,  
Development Services Department

SUBJECT: Appeal of Environmental Determinations to the City Council

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Regarding your inquiry regarding procedural steps that have been taken in response to the January 1, 2003 amendment to Section 21151(c) of the California Environmental Quality Act, the following information is provided:

**1. What actions has the City taken to inform the public of their right to appeal and what procedures have been established to make such an appeal ? Does the Hearing Officer and/or Planning Commission currently advise those in attendance of their right to appeal to City Council ?**

Effective immediately, the following paragraph will be added to the attached Notice of Decision for Process 2 projects:

The certification, adoption, or determination of the environmental document may be appealed to the City Council **after all other appeal rights have been exhausted**. All such appeals must be filed by 5:00 PM within 10 business days from the date of the Planning Commission's certification/adoption of the environmental document. The proper forms are available from the City Clerk's Office, located on the second floor of the City Administration Building, 202 C Street, San Diego, CA 92110.

Effective immediately, the following language will be verbally entered into the public record at the beginning and end of Process 3 Public Hearings (i.e., Hearing Officer decisions, which formerly could only be appealed to the Planning Commission):

Any decision which is made today may be appealed to the Planning Commission or Board of Zoning Appeals. All appeals must be filed by 5:00 PM within 10 working days from today's date.


Any appeal filed in conjunction with the actions taken today must be filed on the proper forms which are available from the Hearing Officer Secretary and Planning Commission Secretary, located on the 5<sup>th</sup> floor in this building.

In addition, the certification, adoption, or determination of the environmental document may be appealed to the City Council after all other appeal rights have been exhausted. The proper forms are available from the City Clerk's Office, located on the second floor in this building. All such appeals must be filed by 5:00 PM within 10 business days from the date of the Planning Commission's certification/adoption of the environmental document.

**2. Is an amendment to the Land Development Code being processed to reflect the amendment to CEQA ?**

Yes, staff from the City Attorney's Office and Development Services Department have prepared a draft Ordinance that is anticipated to be docketed for City Council consideration in November.

Sincerely,

*for*   
Tina Christiansen, AICP  
Director

Attachment: Notice of Decision (Process 2)

cc: Gary Halbert, Assistant Director, Development Services Department  
Kelly Broughton, Deputy Director, Development Services Department  
Marcella Escobar-Eck, Deputy Director, Development Services Department  
Mary Jo Lanzafame, Deputy City Attorney, City Attorney's Office  
Cathy Cibit, Acting Assistant Deputy Director, Development Services Department



THE CITY OF SAN DIEGO

Date of Notice: KEYBOARD(V1 DATE OF NOTICE)

# NOTICE OF DECISION

DEVELOPMENT SERVICES DEPARTMENT

Job Order No. KEYBOARD(V2 6-digit JO)

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**PROJECT TYPE/ PTS NUMBER:**KEYBOARD(V3 PROJECT TYPE/PROJECT TRACKING SYSTEM NUMBER)  
**PROJECT NAME:** KEYBOARD(V4 PROJECT NAME)  
**APPLICANT:** KEYBOARD(V5 APPLICANT'S NAME)

**COMMUNITY PLAN AREA:** KEYBOARD(V6 INFORMATION) **COUNCIL DISTRICT:** KEYBOARD(V7 COUNCIL DISTRICT)

**CITY PROJECT MANAGER:** KEYBOARD(V8 NAME AND TITLE)  
**MAILING ADDRESS:** KEYBOARD(V9 ADDRESS OF PROJECT MANAGER, including MS Number)  
**PHONE NUMBER:** KEYBOARD(V10 PHONE NUMBER )

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On KEYBOARD(V11 DATE of DECISION), Development Services Staff KEYBOARD(V12 APPROVED or DENIED) an application for KEYBOARD(V13 DESCRIBE DEV., SQ. FT., #UNITS) at KEYBOARD(V14 SIZE of PROPERTY, ADDRESS AND LOCATION).

If you have any questions about this project, the decision, or wish to receive a copy of the resolution approving or denying the project, contact the City Project Manager above.

The decision by staff can be appealed to the **Planning Commission** no later than twelve (12) business days of the decision date. The appeal application can be obtained at the Planning Department, 202 'C' Street, Fifth Floor, San Diego, CA 92101. The decision of the Planning Commission is final. This information will be made available in alternative formats upon request.