



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: June 14, 2013 **REPORT NO. PC 13-073**

ATTENTION: Planning Commission, Agenda of June 20, 2013

SUBJECT: DECISION PROCESS FOR CAPITAL IMPROVEMENT PROJECTS
(PROCESS 5)

REFERENCE: Reports to Budget and Finance Committee dated November 2, 2011 and
January 25, 2012.

SUMMARY

Issues:

Should the Planning Commission recommend to the City Council approval of amendments to the Land Development Code and Local Coastal Program that create new decision processes for streamlining capital improvement projects that require a Site Development Permit or a Coastal Development Permit?

Staff Recommendation:

Recommend that the City Council ADOPT the amendments to the Municipal Code and the City's Local Coastal Program.

Budget and Finance Committee: On November 2, 2011 the Committee held a hearing to discuss streamlining of capital improvement program (CIP) projects. The committee voted 5-0 to request that the Public Works Department return as soon possible to identify Municipal Code changes that would need to be made to implement streamlining. On January 25, 2012 the Public works department returned to the Committee and the Committee voted 5-0 to recommend that the Land Development Code be modified as it relates to Site Development Permits for CIP projects.

Code Monitoring Team (CMT): On March 13, 2013 the CMT voted 6-1-2 to recommend the City Council adopt the amendments.

Community Planners Committee (CPC): On April 23, 2013 the CPC voted 20-1-1 to recommend the City Council adopt the amendments.

Technical Advisory Committee (TAC): Staff will present the recommendation of the TAC at the Planning Commission hearing.

Additional Public Outreach:

The draft amendments were E-blasted to the City Planning Divisions' interested parties list for a two week review and comment period beginning on May 2, 2012 and ending on May 17, 2013. The list contains approximately 2,800 contacts including the members of the City's community planning groups. The draft amendments have also been posted on the Development Services Department's website with instructions on how to comment.

Environmental Review:

An Environmental Impact Report (EIR) No. 96-0333 was prepared and certified for the original project (adoption of the Land Development Code). The amendment to the Land Development Code was reviewed by the Environmental Analysis Section and it was determined that, in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15162(a): (1) no substantial changes are proposed to the project which would require major revisions of the previous EIR; (2) no substantial changes occur with respect to the circumstances under which the project is undertaken that would require any revisions to the previous EIR; and (3) there is no new information of substantial importance that was not known and could not have been known at the time the previous EIR was certified. Therefore, no subsequent environmental document is needed for this action.

Fiscal Impact Statement: It is anticipated that these new processes will provide an estimated project cost savings of anywhere from \$5,000 to \$30,000 per project. The cost of processing the amendments to the Municipal Code for the processing of Capital Improvement Program Projects is funded as an overhead expense in the Development Services Department's budget as a part of the Land Development Code Update Program.

Code Enforcement Impact: No additional code enforcement costs are anticipated with adoption of this ordinance.

Housing Impact Statement: The proposed amendment has no impact on the provision of housing.

BACKGROUND

On January 25, 2012 the Committee on Budget and Finance directed that the requirements for Site Development Permits (SDP) be modified as they relate to CIP projects. The specific purpose of the proposed modifications is to streamline the permitting process. The proposed amendment will streamline the review process for capital improvement projects that require a SDP and a Coastal Development Permit (CDP).

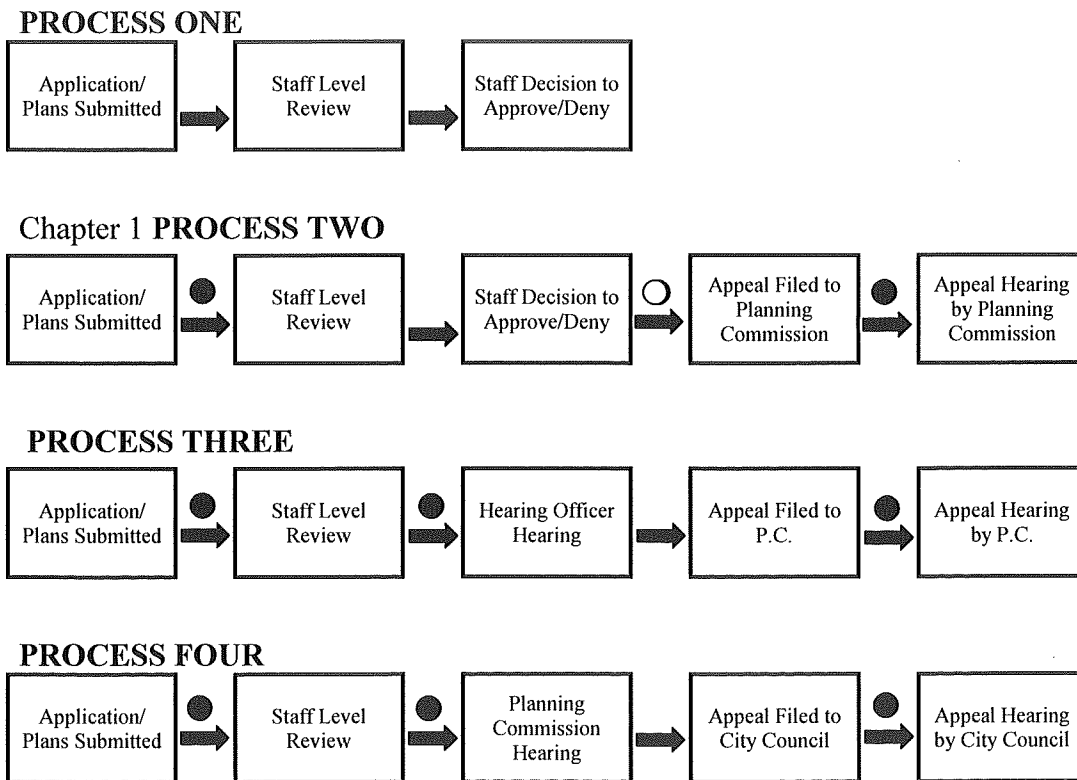
City CIP projects are currently subject to the decision making process and permit requirement for a SDP and a CDP. SDPs for environmentally sensitive lands and CDPs represent the majority of permits required for construction of capital improvement program projects. In analyzing how to

best streamline the process, staff first looked into ways to exempt a capital improvement project from the requirement to obtain a SDP when the project complies with all of the regulations for environmentally sensitive lands. This would have resulted in the largest amount of time and cost savings. However, this solution would not provide assurances of environmental compliance or allow for public notice and comment. The solution that staff believes will provide a substantial savings in time and cost while maintaining environmental protections and public participation, is to continue to require the discretionary review but streamline the decision making processes for these permits. The result is two new decision making processes for capital improvement projects; Process CIP-Two and Process CIP-Five.

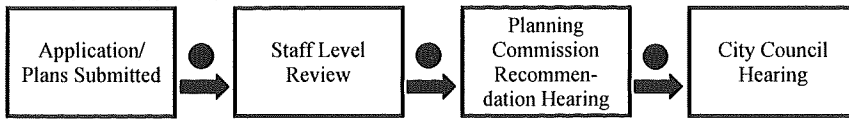
DISCUSSION

The Land Development Code contains five formal decision making processes. Process One is a ministerial action where staff is the decision maker. Processes Two through Five are discretionary actions where the decision makers are respectively; Staff, Hearing Officer, Planning Commission, and City Council. The current decision process for a SDP for most CIP projects is Process Three; only those related to historical resources and those that deviate from the environmentally sensitive lands regulations are subject to Process Four. The current decision processes for a CDP for CIP projects are Process Two in the non-appealable area of the Coastal Overlay Zone and Process Three in the appealable area of the Coastal Overlay Zone. The following extract from the Land Development Code diagrams all five processes and noticing.

**Diagram 112-05A
Decision Processes with Notices**



PROCESS FIVE



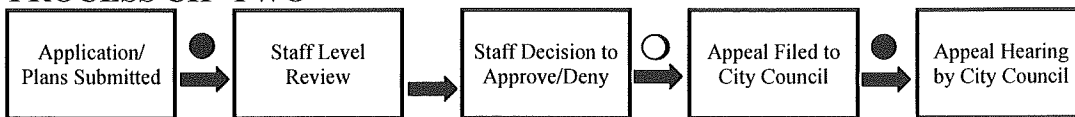
Key

- Public Notice to all Property Owners, Tenant, Community Planning Groups within 300 Feet of the *development* and Anyone Requesting Notice
- Public notice to Applicant, Community Planning Groups within 300 feet, and Anyone Requesting Notice

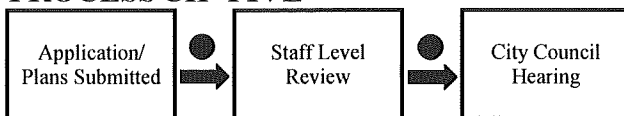
Under the proposed amendment, CIP projects that currently require a SDP or CDP will continue to require those permits and will continue to be noticed to the community planning group and surrounding property owners. The proposal is to streamline the process by changing the decision making process for these projects. The City Council makes the decision to allocate funding in the Capital Improvement Program for these projects before the permit process begins. It is recommended that the City Council be the final decision maker in the permitting process for all CIP projects since the City Council initiated the project and has a stake in the completion of these projects which are important to community infrastructure and plan implementation. To implement this Process, CIP-Two is drafted to be similar to the existing Process Two except that appeals are heard by the City Council instead of the Planning Commission. Process CIP-Five is drafted to be decided directly by the City Council without requiring a recommendation from the Planning Commission as is required in the current Process Five. The draft regulations are in Attachment 1 and the following is an extract from the draft regulations that diagrams the two processes.

**Diagram112-06A
Decision Processes for Capital Improvement Projects**

PROCESS CIP-TWO



PROCESS CIP-FIVE



Key

- Public Notice to all Property Owners, Tenants, Community Planning Groups within 300 feet of the *development* and Anyone Requesting Notice
- Notice to Applicant, Community Planning Groups within 300 feet of the *development*, and Anyone Requesting Notice

It is anticipated that on average Process CIP-Two will shorten the decision process by 1.5 to 2 months and Process CIP-Five will shorten the decision process by 2 to 2.5 months. The table in Attachment 2 compares the current processes and the proposed processes for different project

types. In addition to the anticipated saving in time the new processes are expected to represent estimated project cost savings of anywhere from \$5,000 to \$30,000 per project.

CONCLUSION

The Budget and Finance Committee directed staff to modify the Land Development Code as it relates to Site Development Permits for CIP projects. Staff reviewed the requirements for SDPs and CDPs and determined that establishing two new decision processes for capital improvement projects that are similar to existing processes was the best way to streamline the decision making process for CIPs. As previously stated, the new process will streamline the decision making process by 1.5 to 2.5 months with an associated cost savings of \$5,000 to \$30,000 per project.

ALTERNATIVES

- Recommend that the City Council approve the Decision Process for Capital Improvement Program Projects with modification(s).
- Recommend that the City Council deny the Decision Process for Capital Improvement Program Projects.

Respectfully submitted,

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Senior Planner,
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Attachments:

1. Draft Amendment for Processing Capital Improvement Program Projects
2. Comparison of Current to Proposed Processes

Chapter 11: Land Development Procedures
Article 2: Required Steps in Processing
Division 1: Applications

§112.0101 and §112.0101 [No change in text.]

§112.0103 Consolidation of Processing

When an *applicant* applies for more than one permit, map, or other approval for a single *development*, the applications shall be consolidated for processing and shall be reviewed by a single decision maker. The decision maker shall act on the consolidated application at the highest level of authority for that *development* as set forth in Section 111.0105. The *findings* required for approval of each permit shall be considered individually, consistent with Section 126.0105. Where the consolidation of process combines Processes Two, Process Three, Process Four, or Process Five; with Process CIP-Two or Process CIP-Five the consolidation shall be made as follows:

- (a) Consolidation of Process Two and Process CIP-Two shall be consolidated into Process CIP-Two.
- (b) Consolidation of Process Three, Process Four, or Process Five with Process CIP-Five shall be consolidated into Process CIP-Five except that any consolidation with a Process Five for rezoning shall be consolidated into Process Five.

Chapter 11: Land Development Procedures
Article 2: Required Steps in Processing
Division 3: Notice

§112.0301 Types of Notice

- (a) Notice of Application. A Notice of Application is required for an application for a permit, map, or other matter acted upon in accordance with Process Three, Process Four, ~~or~~ Process Five, or Process CIP-Five.
 - (1) and (2) [No change in text.]
- (b) Notice of Future Decision. A Notice of Future Decision shall be provided for an application for a permit or other matter acted upon in accordance with Process Two or a Process CIP-Two.
 - (1) and (2) [No change in text.]
- (c) Notice of Public Hearing. A Notice of Public Hearing shall be provided before a decision is made on an application for a permit, map, or other matter acted upon in accordance with Process Three, Process Four, ~~or~~ Process Five, or Process CIP-Five, or an appeal of Process Two, Process CIP-Two, Process Three, Process Four decision, or of an *environmental determination*. A Notice of Public Hearing shall also be provided before a decision is made by the City Council in accordance with Section 132.1555 (Overrule Process).

(1) through (3) [No change in text.]

(d) and (e) [No change in text.]

§112.0302 through §112.0305 [No change in text.]

§112.0306 Notice for Coastal Development Permits

All notices for a Coastal Development Permit shall include a statement that the *development* is within the Coastal Overlay Zone, the date of filing of the application and the number assigned to the application. When a Coastal Development Permit is to be considered under Process Two, Process CIP-Two, or at a public hearing, the City Manager shall mail a Notice of Future Decision or Notice of Public Hearing to the California Coastal Commission and all persons requesting notice on Coastal Development Permits. This notice shall be provided in addition to the other notices required by this division. Notices for appealable Coastal Development Permits shall include provisions for appeals to the California Coastal Commission.

§112.0307 [No change in text.]

§112.0308 Notice for Appeal Hearings

The notice for an appeal hearing of a Process Two, Process Three, Process Four, Process CIP-Two decision, or of an *environmental determination* shall be provided in accordance with sections 112.0301(c), 112.0302, and 112.0303.

§112.0309 and §112.0310 [No change in text.]

Chapter 11: Land Development Procedures
Article 2: Required Steps in Process
Division 4: Public Hearings

§112.0401 Procedures for Public Hearings

(a) Rules for Decision Makers. The City Manager shall establish rules and procedures to regulate the public hearing proceedings for Process Two, Process Three, Process Four, ~~and~~ Process Five, Process CIP-Two, and Process CIP-Five consistent with the requirements set forth in this chapter.

(b) and (c) [No change in text.]

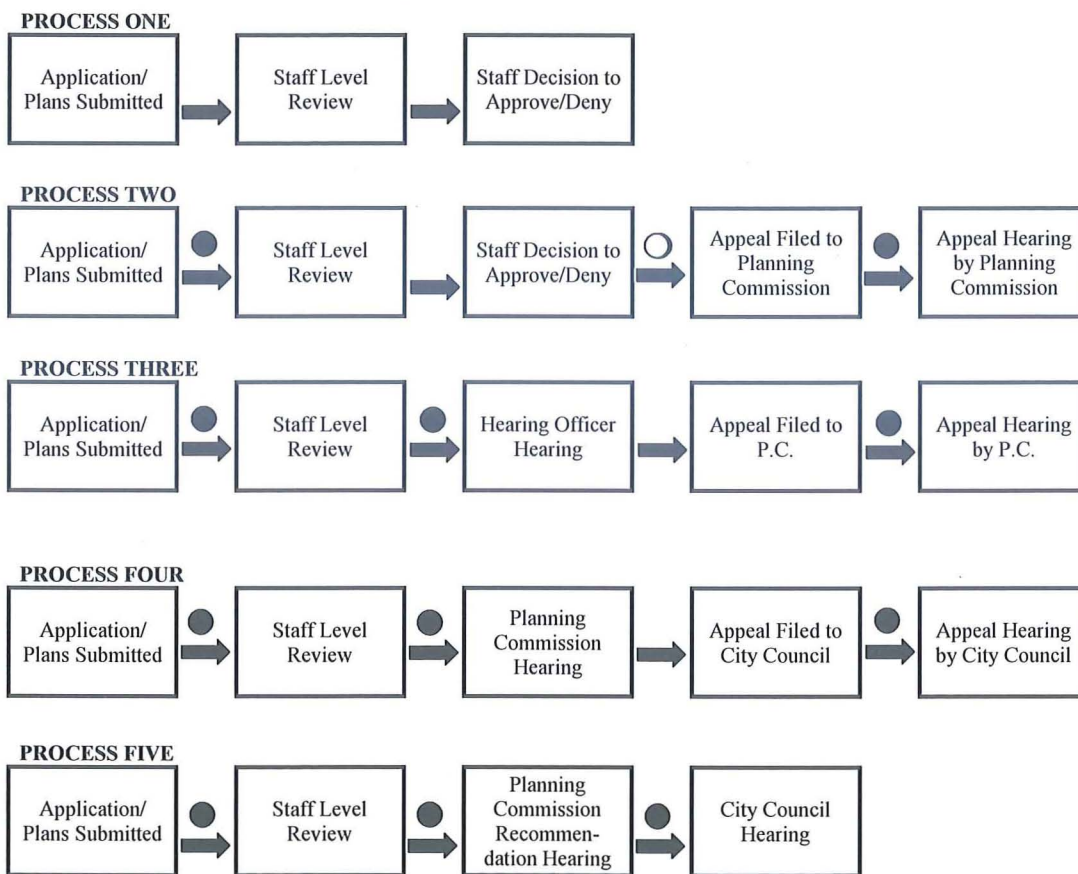
Chapter 11: Land Development Procedures
Article 2: Required Steps in Processing
Division 5: Decision Process

§ 112.0501 Overview of Decision Process

Applications for permits, maps, or other matters shall be acted upon in accordance with one of the five decision processes established in this division and depicted on

Diagram 112-05A except that applications for capital improvement projects specified in Chapter 11, Article 2, Division 6 shall be acted upon in accordance that division. The subject matter of the *development* application determines the process that shall be followed for each application. The provisions of Chapter 12 that pertain to each permit, map, or other matter describe the decision process in more detail. Diagram 112-05A is provided for convenience of reference only and does not define, describe, or limit the scope, meaning, or intent of any provision of the Land Development Code. This diagram describes the City of San Diego’s processes only and does not describe other decision processes that may be required by other agencies, such as the State Coastal Commission.

Diagram 112-05A
Decision Processes with Notices



Key

- Public Notice to all Property Owners, Tenant, Community Planning Groups within 300 Feet of the *development* and Anyone Requesting Notice
- Public notice to Applicant, Community Planning Groups within 300 feet, and Anyone Requesting Notice

§112.0502 through § 112.0520 [No change in text.]

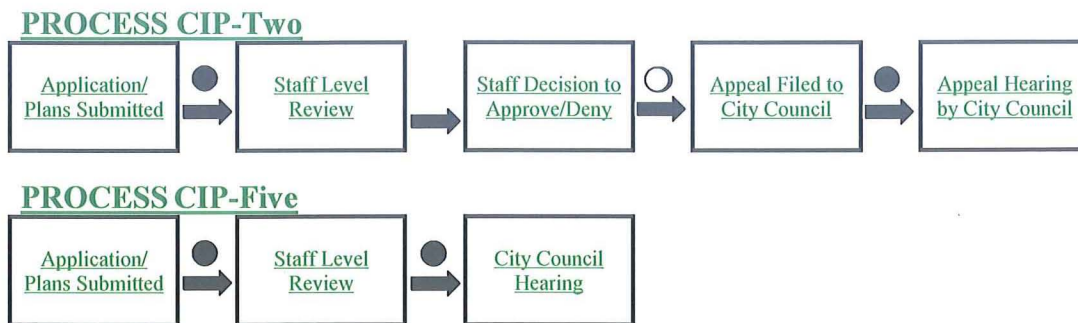
Chapter 11: Land Development Procedures
Article 2: Required Steps in Processing Site Development,
and Coastal Development Permits for
Capital Improvement Projects

Division 6: Decision Process

§ 112.0601 Overview of Decision Process

Applications for capital improvement projects requiring a Site Development Permit, or a City-issued Coastal Development Permit shall be acted upon in accordance with one of the two decision processes established in this division and depicted on Diagram 112-06A. The subject matter of the development application determines the process that shall be followed for each application. The provisions of Chapter 12 that pertain to each permit, map, or other matter describe the decision process in more detail. Diagram 112-06A is provided for convenience of reference only and does not define, describe, or limit the scope, meaning, or intent of any provision of the Land Development Code. This diagram does not describe the decision processes that may be required by other agencies, such as the State Coastal Commission.

Diagram 112-06A
Decision Processes for Capital Improvement Projects



Key

- Public Notice to all Property Owners, Tenant, Community Planning Groups within 300 Feet of the development and Anyone Requesting Notice
- Public notice to Applicant, Community Planning Groups within 300 feet, and Anyone Requesting Notice

§ 112.0602 Process CIP-Two

An application for a Site Development Permit or City-issued Coastal Development Permit in the non-appealable area of the Coastal Overlay Zone for a capital improvement project determined to be in compliance with the regulations without deviation shall be acted upon in accordance with Process CIP-Two. An application for a Process CIP-Two may be initially approved, conditionally approved, or denied by a staff person designated by the City Manager pursuant to Section 111.0205. A public hearing will not be held. An appeal hearing is available upon written request in accordance with Section 112.0603. A Process CIP-Two decision shall be made in the following manner.

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- (a) Notice. The designated staff person shall mail a Notice of Future Decision to the persons identified in Section 112.0302(b). Persons who wish to receive notice of the approval or denial of the application may request this information from the staff person. The request must be received no later than 10 *business days* after the date on which the Notice of Future Decision is mailed.
- (b) Decision Process. The designated staff person may approve, conditionally approve, or deny the application without a public hearing. The decision shall be made no less than 11 *business days* after the date on which the Notice of Future Decision is mailed to allow for sufficient time for public comment.

This 11 *business days* minimum time frame for a staff decision will be extended by a period not to exceed an additional 20 *business days* to allow time for a recommendation by a recognized community planning group, if requested by the group's chair, or the chair's designee. Notification of the decision shall be given to the *applicant* and to those persons who request notification in accordance with this section, no later than 2 *business days* after the *decision date*.

§112.0603 Process CIP- Two Appeal Hearing

Appeals of Process CIP- Two decisions shall be subject to the requirements of Section 112.0504 except that the City Council shall hear the appeal.

§ 112.0604 Process CIP-Five

An application for a Site Development Permit for a *capital improvement project* that deviates from the Environmentally Sensitive Land Regulations or a City-issued Coastal Development Permit in the *appealable area* of the Coastal Overlay Zone, shall be acted upon in accordance with Process CIP-Five. An application for a Process CIP- Five may be approved, conditionally approved, or denied by the City Council. A Process CIP- Five decision shall be made in the following manner.

- (a) Notice. The City Manager shall mail a Notice of Application to the persons described in Section 112.0302(b) no later than 10 *business days* after the date on which an application for a permit, map, or other matter is *deemed complete*.
- (b) Decision Process. The City Council shall hold a public hearing to consider the application. The hearing shall be noticed in accordance with Sections 112.0301(c), 112.0302, and 112.0303. The City Council may approve, conditionally approve, or deny the application at the conclusion of the hearing.

Chapter 11: Land development Procedures
Article 3: Land Development Terms
Division 1: Definitions

§113.0101 and through §113.0102 [No change in text.]

§113.0103 Definitions

Abutting property through Business day [No change in text.]

Capital Improvement Project means a tangible City project with a life expectancy greater than one year that is counted as a fixed asset with values for capitalization purposes. Capitalized assets have values for assessment of prosperity and financing purposes.

Certificate of Correction through Yard [No change in text.]

Chapter 12: Land Development Reviews
Article 6: Development Permits
Division 1: General Development Permit Procedures

§126.0101 through §126.0103 [No change in text.]

§126.0104 Decision Processes for a Development Permit

A decision on an application for a *development permit* shall be made in accordance with Process Two, Process Three, Process Four, ~~or Process Five,~~ Process CIP-Two, or Process CIP- Five as indicated in Chapter 12, Article 6, Divisions 1 through 8, for each type of *development permit*.

§126.0104 through §126.0111 [No change in text.]

§126.0112 Minor Modifications to a Development Permit

A proposed minor modification to an approved *development permit* may be submitted to the City Manager to determine if the revision is in *substantial conformance* with the approved permit. If the revision is determined to be in *substantial conformance* with the approved permit, the revision shall not require an amendment to the *development permit*. Within the Coastal Overlay Zone, any *substantial conformance* determination shall be reached through a Process Two review except that a *substantial conformance* determination for a *capital improvement project* shall be reached through a Process CIP-Two.

§126.0113 through §126.0155 [No change in text.]

Chapter 12: Land Development Reviews
Article 6: Development Permits
Division 5: Site Development Permit Procedures

§126.0501 [No change in text.]

§126.0502 When a Site Development Permit is Required

- (a) A Site Development Permit decided in accordance with Process Three is required where *environmentally sensitive lands* are present for the following types of *development*.

- (1) City public works projects on a *premises* containing *environmentally sensitive lands*, as described in Section 143.0110 except that capital improvement projects shall be subject to Section 126.0502(f).
- (2) and (3) [No change in text.]
- (b) [No change in text.]
- (c) A Site Development Permit decided in accordance with Process Three is required for the following types of *development*.
 - (1) through (3) [No change in text.]
 - (4) *Public improvements* required in association with private *development* that involve *development* of more than 3,000 feet of property frontage, as described in Section 142.0612 except that capital improvement projects shall be subject to Section 126.0502(f).
 - (5) *Public improvements* required in association with private *development* for which adopted City standards do not apply, as described in Section 142.0612 except that capital improvement projects shall be subject to Section 126.0502(f).
 - (6) through (8) [No change in text.]
- (d) A Site Development Permit decided in accordance with Process Four is required for the following types of *development*.
 - (1) Within *historical districts* or when *designated historical resources* are present, unless exempt under Section 143.0220:
 - (A) through (C) [No change in text.]
 - (D) Public works projects except that capital improvement projects shall be subject to Section 126.0502(f); and
 - (E) [No change in text.]
 - (2) Where *historical resources* other than *historical districts* or *designated historical resources* are present, unless exempt under Section 143.0220:
 - (A) through (C) [No change in text.]
 - (D) Public works construction projects except that capital improvement projects shall be subject to Section 126.0502(f); and

(E) [No change in text.]

(3) through (9) [No change in text.]

(f) A Site Development Permit in accordance with Process CIP-Two is required for the any capital improvement project determined to be in compliance with all base zone regulations, or all development, or does not exceed limited deviations allowed by the regulations in Chapter 14, as described in Section 143.0402 without deviation.

§126.0503 Decision Processes for Site Development Permits

(a) through (c) [No change in Text]

(d) Process CIP-Two

A decision on an application for a Site Development Permit for the types of development listed in 126.0502(f)(2) shall be made in accordance with Process CIP-Two.

(e) Process CIP- Five

A decision on an application for a Site Development Permit for the types of development listed in 126.0502(f)(3) shall be made in accordance with Process CIP-Five.

§126.0504 through §126.0505 [No change in text.]

Chapter 12: Land Development Reviews
Article 6: Development Permits
Division 6: Planned Development Permit Procedures

§126.0601 [No change in text.]

§126.0602 When a Planned Development Permit May be Requested

(a) through (c) [No change in Text.]

(d) The following types of development may be requested with a Planned Development Permit to be decided in accordance with Process CIP-Five.

Capital Improvement projects that do not comply with all base zone regulations or all development regulations (except as permitted in accordance with Section 126.0602(a)(2), or that proposes to exceed limited deviations allowed by the regulations in Chapter 14, as described in Section 143.0410.

§126.0603 Decision Process for Planned Development Permits

(a) through (c) [No change in text.]

- (d) A decision on an application for a Planned Development Permit for the *development* listed in Section 126.0602(d) shall be made in accordance with Process CIP-Five.

Chapter 12: Land Development Reviews
Article 6: Development Permits
Division 7: Coastal Development Permit Procedures

§126.0701 through §126.0706 [No change in text.]

§126.0707 Decision Process for a Coastal Development Permit

- (a) A decision on an application for a City-issued Coastal Development Permit in the *non-appealable area* of the Coastal Overlay Zone shall be made in accordance with Process Two, except that a decision on a *capital improvement project* shall be made in accordance with Section 126.0707(c). The decision may be appealed to the Planning Commission in accordance with Section 112.0504.
- (b) A decision on an application for a City-issued Coastal Development Permit in the *appealable area* of the Coastal Overlay Zone shall be made in accordance with Process Three, except that a decision on a *capital improvement project* shall be made in accordance with Section 126.0707(c). The decision may be appealed to the Planning Commission in accordance with Section 112.0506.
- (c) A decision on an application for a *capital improvement project* shall be made as follows:
- (1) For a City-issued Coastal Development Permit in the *non-appealable area* of the Coastal Overlay Zone the decision shall be made in accordance with Process CIP-Two. The decision may be appealed to the City Council in accordance with Section 112.060.
 - (2) For a City-issued Coastal Development Permit in the *appealable area* of the Coastal Overlay Zone the decision shall be made in accordance with Process CIP-Five.
- (ed) Conditions may be imposed by the decision maker when approving a Coastal Development Permit to carry out the purpose and the requirements of this division. The conditions may include a provision for public access, open space, or conservation easements or the relocation or redesign of proposed site improvements. In any *subdivision* or other land division, such conditions shall be imposed at the time of the *subdivision* or other land division, rather than through subsequent development permits. When conditions pertaining to public access, open space, or conservation easements are imposed, the City Manager shall notify the Executive Director of the Coastal Commission as set forth in Section 126.0719.
- (de) When more than one permit, map or other approval is required for a single *development*, the applications shall be consolidated and the action of the decision maker shall be considered one consolidated action. In the Coastal Overlay Zone, the *findings* for each approval shall be consolidated and shall constitute the *findings* of the Coastal Development Permit. For decisions involving *coastal development* within the *appealable area*, the entire consolidated decision is appealable to the Coastal Commission.

- (e) Any *coastal development* involving a *subdivision* pursuant to the Subdivision Map Act and any other division of land requires a Coastal Development Permit. The land division shall be processed as part of the Coastal Development Permit in accordance with the Subdivision Regulations (Chapter 14, Article 4) and Subdivision Procedures (Chapter 12, Article 5). Any tentative map, lot line adjustment, merger, public right-of-way vacation or public easement abandonment may be approved or conditionally approved only if the decision maker makes the *findings* pursuant to Section 126.0708.

§126.0708 through §126.0724 [No change in text.]

Chapter 13: Zones
Article 2: General Development Regulations
Division 4: Coastal Overlay Zone

§132.0401 [No change in text.]

§132.0402 **Where the Coastal Overlay Zone Applies**

- (a) [No change in text.]
- (b) Table 132-04A shows the sections that contain the supplemental regulations and the type of permit required by this division, if any, for specific types of *development* proposals in this overlay zone. Coastal Development Permit procedures are provided in Chapter 12, Article 6, Division 7.

Table 132-04A
Coastal Overlay Zone Applicability

Type of <i>Development</i> Proposal	Supplemental Development Regulations	Required Permit Type/ Decision Process
(1) through (3) [No change in text.]	[No change in text.]	
(4) <u>Coastal development for a capital improvement project in this overlay zone that is not exempt under (1) of this table or that is not in the area described in (2) of this table and is the non-appealable area of this overlay zone</u>	<u>See use and development regulations of the base zone and Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations</u>	<u>Coastal Development Permit/Process CIP-Two</u>
(5) <u>Coastal development for a capital improvement project in this overlay zone that is not exempt under (1) of this table or that is not in the area described in (2) of this table and is the appealable area of this overlay zone</u>	<u>See use and development regulations of the base zone and Chapter 14, Article 3, Division 1, Environmentally Sensitive Lands Regulations</u>	<u>Coastal Development Permit/Process CIP-Five</u>

Diagram 132-04A [No change in text.]

Chapter 14: General Regulations
Article 3: Supplemental Development Regulations
Division 3: Supplemental Neighborhood Development Permit and Site Development Permit Regulations

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§143.0301 [No change in text.]

§143.0302 When Supplemental Neighborhood Development Permit and Site Development Permit Regulations Apply

This division applies to any *development* proposal for which a Neighborhood Development Permit or Site Development Permit is required as described in Sections 126.0402 and 126.0502, in accordance with Table 143-03A.

**Table 143-03A
Supplemental Neighborhood Development Permit or Site Development Permit
Regulations Applicability**

Type of <i>Development</i> Proposal	Applicable Sections	Required <i>Development</i> Permit/Decision Process
Affordable/In-Fill Housing and Sustainable Building Projects with Deviations through Site Containing <i>Environmentally Sensitive Lands</i>	[No change in text.]	
<u>Any Capital Improvement Project on a Site Containing Environmentally Sensitive Lands</u>	<u>143.0101-143.0160, 143.0303, 143.0305, 143.0350, 143.0375, 143.0380</u>	<u>SDP/Process CIP-Two</u>
Site Containing <i>Historical Resources</i>	[No change in text.]	
<u>Any Capital Improvement Project on a Site Containing Historical Resources</u>	<u>143.0201, 143.0260, 143.0303, 143.0305, 143.0360, 143.0375, 143.0380</u>	<u>SDP/Process CIP-Two</u>
<i>Fences or Retaining Walls</i> Exceeding the Permitted Height through <i>Public Improvements</i> on More Than 3,000 Feet of Frontage or Where City Standards Do Not Apply	[No change in text.]	
<u>Capital Improvements Project on More Than 3,000 Feet of Frontage or Where City Standards Do Not Apply</u>	<u>142.0601-142.0670, 143.0303, 143.0305, 143.0375, 143.0380</u>	<u>SDP/Process CIP-Two</u>
Manufactured Slopes in Excess of 25% Gradient and 25 Feet in Height through Clairemont Mesa Height Limit Overlay Zone	[No change in text.]	

Legend to Table 143-03A

NDP	NDP means Neighborhood Development Permit
SDP	SDP means Site Development Permit

§143.0303 through §143.0380 [No change in text.]

Chapter 15: Planned Districts
Article 1: Planned Districts
Division 2: Permits and Procedures for Planned Districts

§151.0201 Processing of Planned District Permits

Planned district permits will be processed in accordance with the Land Development Code as follows:

- (a) [No change in text.]
- (b) Where a planned district requires a discretionary planned district permit that is identified as a Process Two decision, one of the following shall apply:
 - (1) ~~an~~ An applicant shall apply for a Neighborhood Development Permit in accordance with Land Development Code Chapter 12, Article 6, Division 1 (General Development Permit Procedures) and Division 4 (Neighborhood Development Permit Procedures). The findings required for approval will be the general findings for Neighborhood Development Permits in Land Development Code Section 126.0404(a), any applicable supplemental findings in Section 126.0404, and any additional findings provided in the planned district.
 - (2) An applicant for a *capital improvement project*, as defined in Section 113.0103 shall apply for a Site Development Permit in accordance with Land Development Code Chapter 12, Article 6, Division 1 (General Development Permit Procedures) and Division 5 (Site Development Permit Procedures) in accordance with Process CIP-Two. The findings required for approval will be the general findings for Site Development Permits in Land Development Code Section 126.0504(a), any applicable supplemental findings in Section 126.0504, and any additional findings provided in the planned district.
- (c) Where a planned district requires a discretionary planned district permit that is identified as a Process Three, Process Four, or Process Five decision, an applicant shall apply for a Site Development Permit in accordance with Land Development Code Chapter 12, Article 6, Division 1 (General Development Permit Procedures) and Division 5 (Site Development Permit Procedures), except that a *capital improvement project*, as defined in Section 113.0103, shall be processed in accordance with Process CIP-Two. The findings required for approval will be the general findings for Site Development Permits in Land Development Code Section 126.0504(a), any applicable supplemental findings in Section 126.0504, and any additional findings provided in the planned district.

(d) and (e) [No change in text.]

§151.0202 through §151.0204 [No change in text.]

Legend to Table

CC	City Council
CPG	Community Planning Group
HO	Hearing Officer
PC	Planning Commission

COMPARISON OF CURRENT TO PROPOSED PROCESSES

Project Type	Current Process	Proposed Process	Streamlined Savings
SDP for environmentally sensitive lands where the project <i>complies</i> with the regulations	<p><u>SDP Process Three</u></p> <ul style="list-style-type: none"> ○ CPG notified ○ Notice of Application ○ Development review ○ CEQA review ○ Draft Permit ○ Prepare Report to HO ○ Hearing preparations ○ Notice of Public Hearing ○ HO hearing <p><u>If appealed</u></p> <ul style="list-style-type: none"> ○ Appeal to PC ○ Prepare Report to PC ○ Hearing preparations ○ Notice of Public Hearing ○ PC hearing 	<p><u>SDP Process CIP-Two</u></p> <ul style="list-style-type: none"> ○ CPG notified ○ Notice of Future Decision ○ Development review ○ CEQA review ○ Draft Permit ○ Staff Decision <p><u>If appealed</u></p> <ul style="list-style-type: none"> ○ Appeal to CC ○ Prepare Report to PC ○ Hearing preparations ○ Notice of Public Hearing ○ PC hearing 	<p><u>Savings - 1.5 to 2 months</u></p>
Projects subject to a SDP for environmentally sensitive lands where the project <i>deviates</i> from with the regulations.	<p><u>SDP Process Four</u></p> <ul style="list-style-type: none"> ○ CPG notified ○ Notice of Application ○ Development review ○ CEQA review ○ Draft permit ○ Prepare Report to PC ○ Hearing preparations ○ Notice of Public Hearing ○ PC hearing <p><u>If Appealed</u></p> <ul style="list-style-type: none"> ○ Appeal to CC ○ Prepare Report to CC ○ Hearing preparations ○ Notice of Public Hearing ○ CC hearing 	<p><u>SDP Process CIP-Five</u></p> <ul style="list-style-type: none"> ○ CPG notified ○ Notice of Application ○ Development review ○ CEQA review ○ Draft Permit ○ Prepare Report to CC ○ Hearing preparations ○ Notice of Public Hearing ○ CC hearing <p><u>CC Decision is Final</u></p>	<p><u>Savings – Neutral unless PC decision is appealed</u></p> <p><u>Savings on Appeal - 2 to 2.5 months</u></p>

Project Type	Current Process	Proposed Process	Streamlined Savings
Projects subject to SDP when historical resources are present.	<p><u>SDP Process Four</u></p> <ul style="list-style-type: none"> ○ CPG notified ○ Notice of Application ○ Development Review ○ CEQA review ○ Draft Permit ○ Prepare Report to PC ○ Hearing preparations ○ Notice of Public Hearing ○ PC hearing <p><u>If Appealed</u></p> <ul style="list-style-type: none"> ○ Appeal to CC ○ Prepare Report to CC ○ Hearing preparations ○ Notice of Public Hearing ○ CC hearing 	<p><u>SDP Process CIP-Two</u></p> <ul style="list-style-type: none"> ○ CPG notified ○ Notice of Future Decision ○ Development review ○ CEQA review ○ Draft Permit ○ Staff Decision <p><u>If appealed</u></p> <ul style="list-style-type: none"> ○ Appeal to CC ○ Prepare Report to PC ○ Hearing preparations ○ Notice of Public Hearing ○ PC hearing 	<p><u>Savings - 2 to 2.5 months</u></p>
Projects subject to a City-issued CDP in the non-appealable area of the Coastal Overlay Zone.	<p><u>CDP Process Two</u></p> <ul style="list-style-type: none"> ○ CPG notified ○ Notice of Future Decision ○ Development review ○ CEQA review ○ Draft Permit ○ Staff Decision <p><u>If appealed</u></p> <ul style="list-style-type: none"> ○ Appeal to PC ○ Prepare Report to PC ○ Hearing preparations ○ Notice of Public Hearing ○ PC hearing 	<p><u>SDP Process CIP-Two</u></p> <ul style="list-style-type: none"> ○ CPG notified ○ Notice of Future Decision ○ Development review ○ CEQA review ○ Draft Permit ○ Staff Decision <p><u>If appealed</u></p> <ul style="list-style-type: none"> ○ Appeal to CC ○ Prepare Report to CC ○ Hearing preparations ○ Notice of Public Hearing ○ CC Hearing 	<p><u>Savings – Neutral</u></p> <ul style="list-style-type: none"> ○ CC makes final decision on appeal
Projects subject to a City-issued CDP in the appealable area of the Coastal Overlay Zone.	<p><u>CDP Process Three</u></p> <ul style="list-style-type: none"> ○ CPG notified ○ Notice of Application ○ Development review ○ CEQA review ○ Draft Permit ○ Prepare Report to HO ○ Hearing preparations ○ Notice of Public Hearing ○ HO hearing <p><u>If appealed</u></p> <ul style="list-style-type: none"> ○ Appeal to PC ○ Prepare Report to PC ○ Hearing preparations ○ Notice of Public Hearing ○ PC hearing 	<p><u>CDP Process CIP-Five</u></p> <ul style="list-style-type: none"> ○ CPG notified ○ Notice of Application ○ Development review ○ CEQA review ○ Draft permit ○ Prepare Report to CC ○ Hearing preparations ○ Notice of Public Hearing ○ CC hearing <p><u>CC Decision is Final</u></p>	<p><u>Savings – Neutral unless HO decision is appealed</u></p> <p><u>Savings on Appeal - 2 to 2.5 months</u></p>