

Development Review Process Workshop

Project Review Process:

Development Permits and CEQA

May 18, 2013

Presenters:

Cecilia Gallardo and Patrick Hooper



**City of San Diego
Development Services Department**

Presentation Overview

- Department Overview
- Review Process Roles
- Project Review Process
- Tips for Successful Review
- CEQA (California Environmental Quality Act)
- Questions



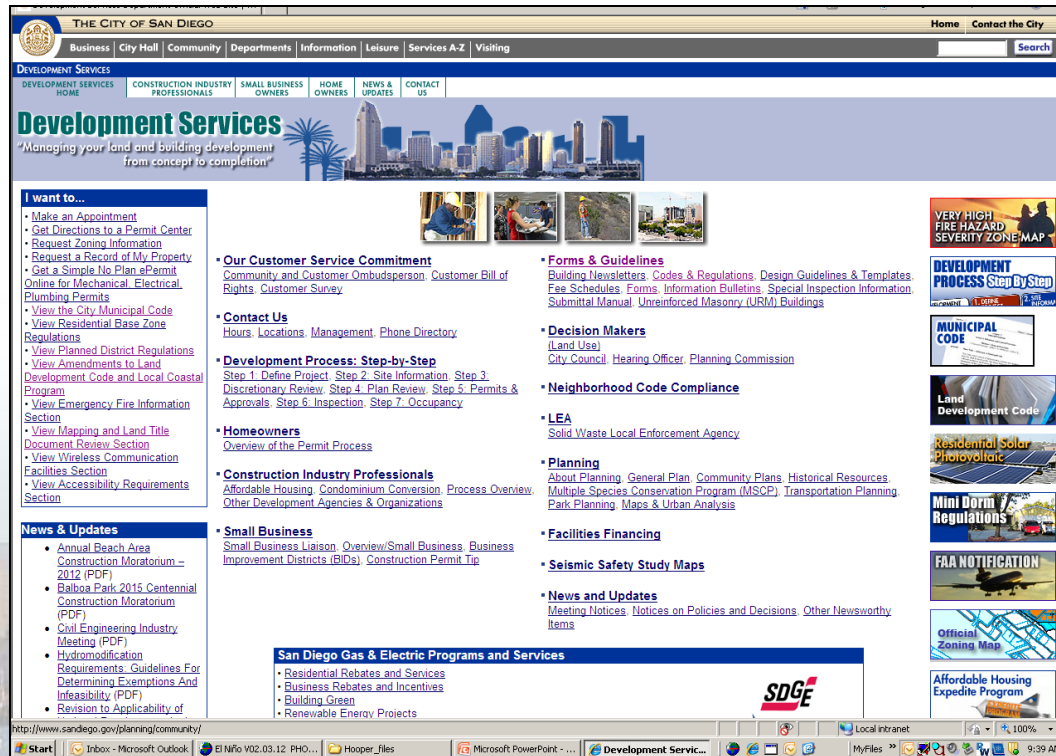
Vision of the Department

*Developing quality
communities through
service, partnership and
innovation*



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Development Services Main Webpage www.sandiego.gov



The screenshot displays the City of San Diego Development Services website. The header includes the city logo and navigation links for Business, City Hall, Community, Departments, Information, Leisure, Services A-Z, and Visiting. A search bar is located in the top right corner. The main navigation bar lists categories such as Development Services, Home, Construction Industry Professionals, Small Business Owners, Home Owners, News & Updates, and Contact Us. The main content area features a large banner with the text "Development Services" and the tagline "Managing your land and building development from concept to completion". Below the banner, there are several sections: "I want to..." with links for appointments, directions, zoning, and permits; "Our Customer Service Commitment" with links for ombudsperson and surveys; "Contact Us" with links for hours and phone directory; "Development Process: Step-by-Step" with a detailed breakdown of the process; "Homeowners" with a link for permit process overview; "Construction Industry Professionals" with links for affordable housing and process overview; "Small Business" with links for business liaison and improvement districts; "Forms & Guidelines" with links for newsletters, codes, and templates; "Decision Makers" with links for city council and hearing officer; "Neighborhood Code Compliance"; "LEA" with a link for solid waste enforcement; "Planning" with links for general plan and community plans; "Facilities Financing"; "Seismic Safety Study Maps"; and "News & Updates" with links for meeting notices and other news. A sidebar on the right contains various informational graphics and links, including "VERY HIGH FIRE HAZARD SEVERITY ZONE MAP", "DEVELOPMENT PROCESS Step By Step", "MUNICIPAL CODE", "Land Development Code", "Residential Solar Photovoltaic", "Mini Dorm Regulations", "FAA NOTIFICATION", "Official Zoning Map", and "Affordable Housing Expedite Program". At the bottom, there is a section for "San Diego Gas & Electric Programs and Services" with links for rebates and incentives. The browser's address bar shows the URL "http://www.sandiego.gov/planning/community/" and the taskbar displays various open applications and the system clock.



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Official Zoning Map

THE CITY OF SAN DIEGO Home Contact the City

Business City Hall Community Departments Information Leisure Services A-Z Visiting

DEVELOPMENT SERVICES HOME CONSTRUCTION INDUSTRY PROFESSIONALS SMALL BUSINESS OWNERS HOME OWNERS NEWS & UPDATES CONTACT US

Development Services
Official Zoning Map

Validation by Address

Results for: 1222 01ST AV

Zone(s) per Official Zoning Map:

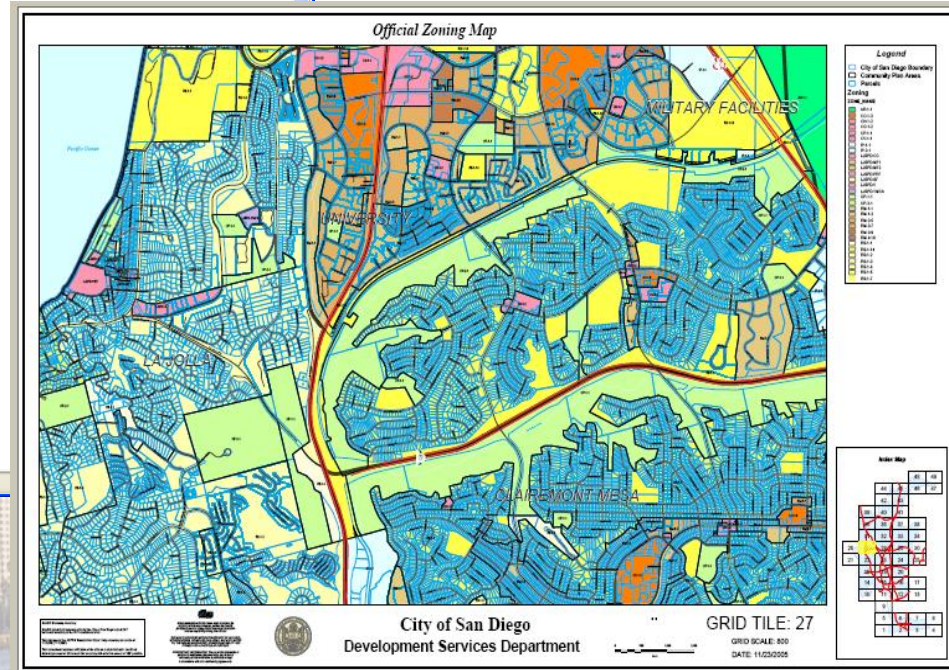
Name	Abbreviated Name
CENTRE CITY PLANNED DISTRICT-A	CCPD-A More Info

Map Sheets:

Map Sheet Index Nbr	Map Image
15	View Map Image

Results as of June 16, 2006

[Look up another location](#)



Project Review Process

- Discretionary Entitlement
- Decision Processes
- Steps in Project Review



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“Discretionary” Entitlement

- ▶ Includes public participation: CPG plus interested parties
- ▶ Public notice: mailed, published and posted
- ▶ Not a building permit: conceptual plans/drawings
- ▶ Required for various reasons: proposed & required



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Discretionary Entitlement

Approval Types

Decision Process

Ministerial Permits

"By Right"

Discretionary Permits

Neighborhood Use Permits

Neighborhood Dev. Permits

Site Development Permits

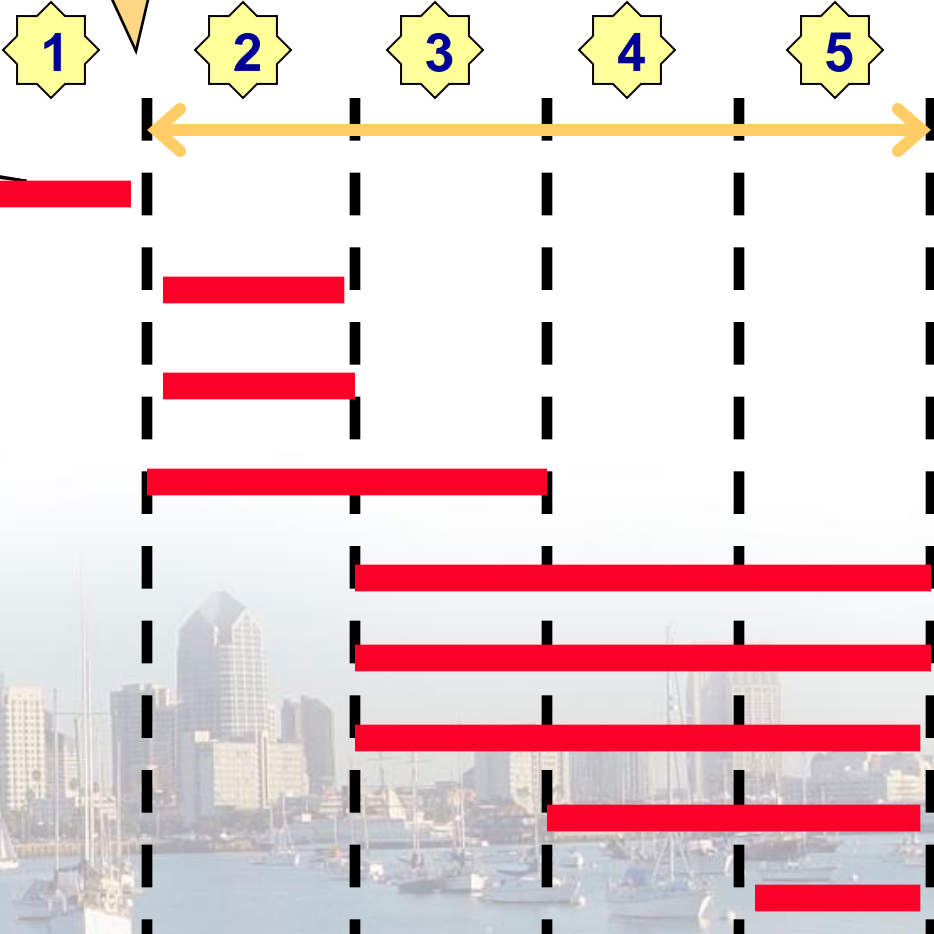
Conditional Use Permits

Coastal Development Permits

Subdivision Maps

Planned Development Permits

Legislative Actions



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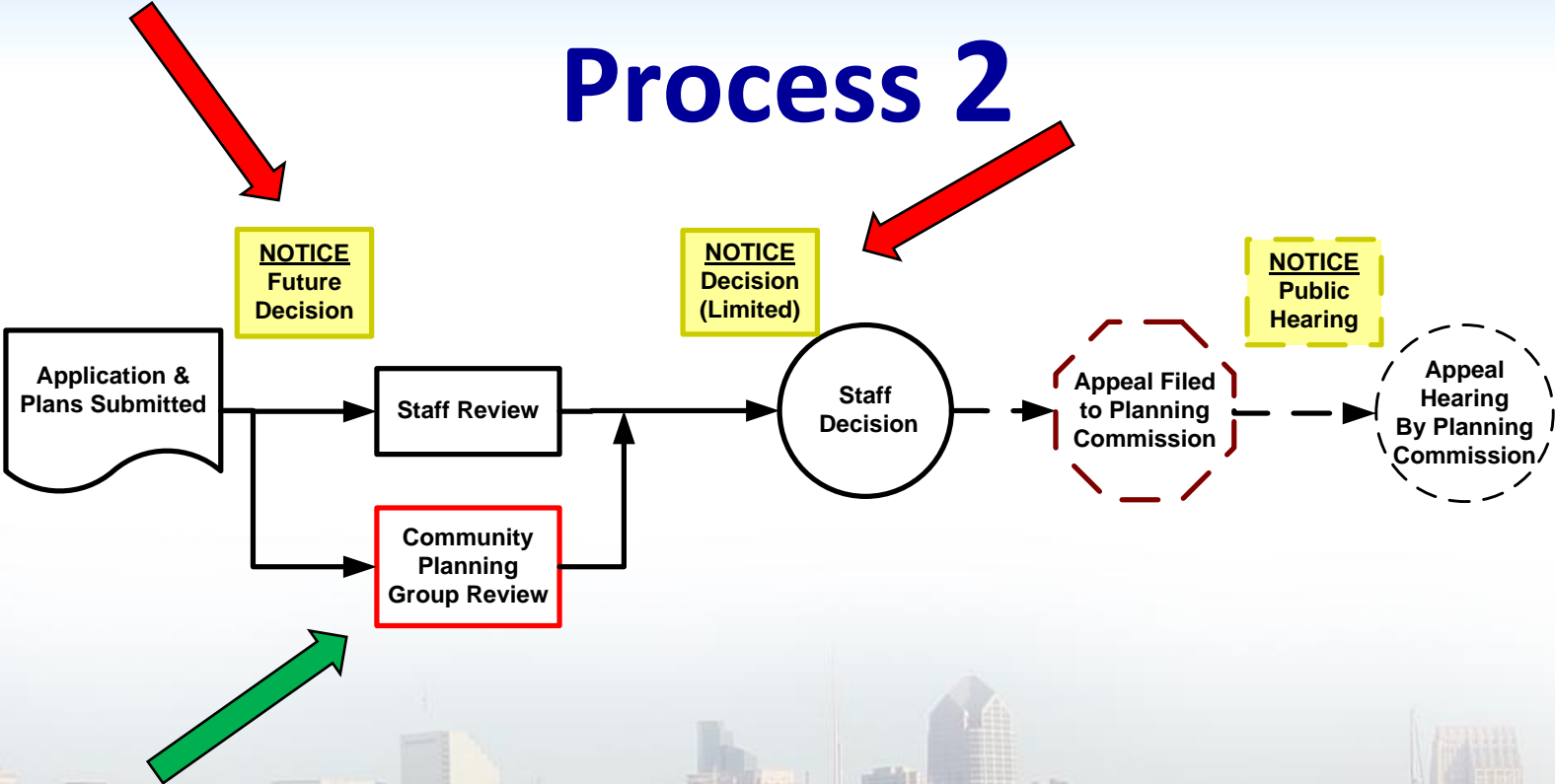
Discretionary Process Types

- **Process 2**
 - Staff Decision
 - Appeal to Planning Commission
- **Process 3**
 - Hearing Officer Decision
 - Appeal to Planning Commission
- **Process 4**
 - Planning Commission Decision
 - Appeal to City Council
- **Process 5**
 - City Council Decision



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Process 2



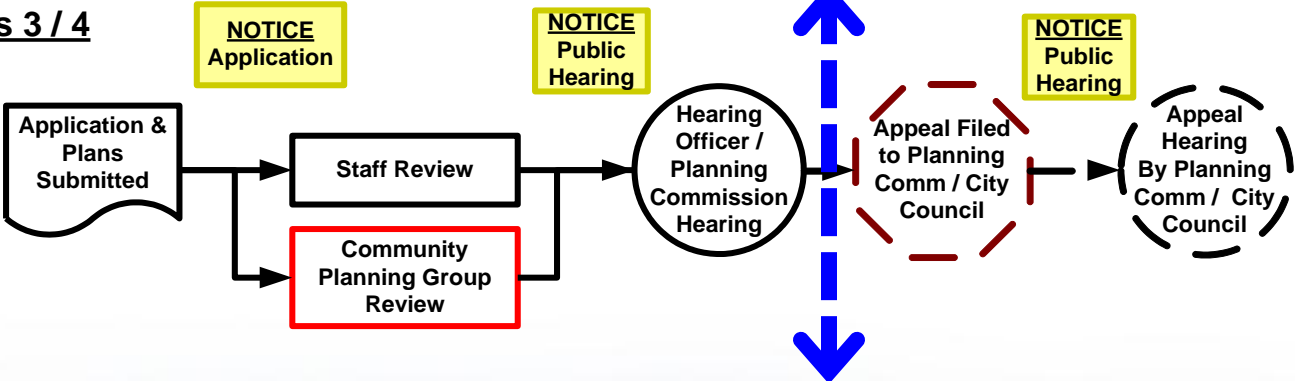
Notice of Future Decision – CPG has right to request 20 business day extension. Per SDMC Section, 112.0503(b)



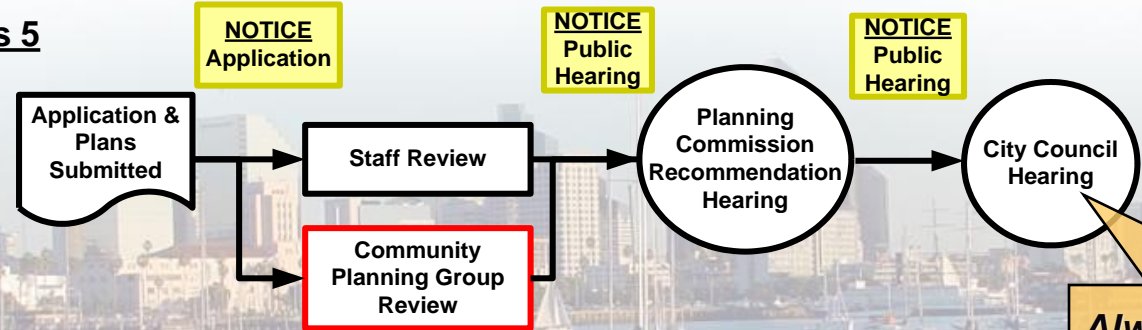
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Process 3,4,5

Process 3 / 4



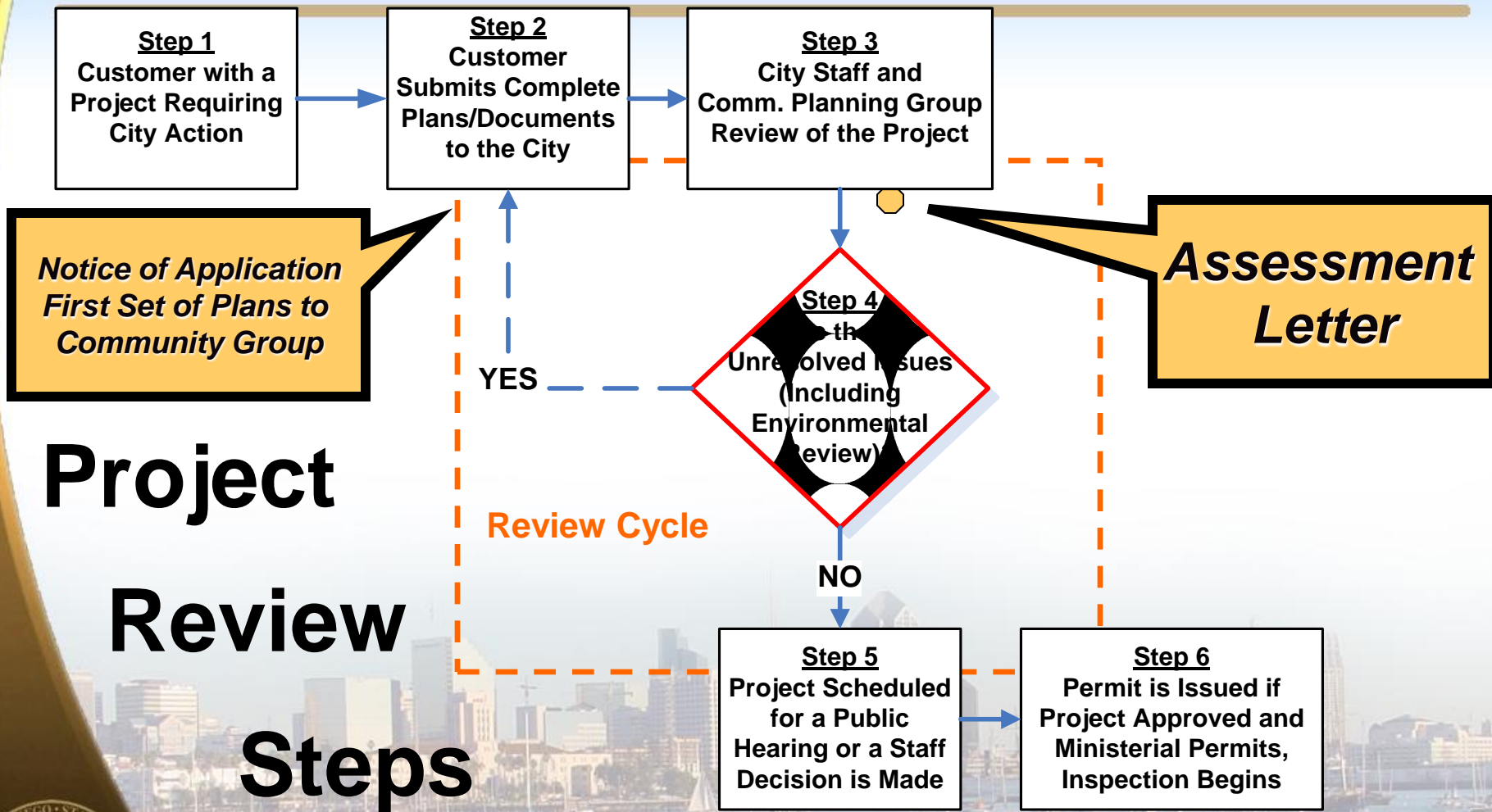
Process 5



Always the Final decision by the City



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Noticing

- Notices
 - Notice of Application – process 2, 3, 4 & 5
 - Notice of Future Decision – process 2 only
 - Notice of Decision – process 2 only
 - Notice of Public Hearing - process 2, 3, 4 & 5
- Notices are mailed directly to
Chairperson of community planning
group



Noticing

- Notices are available on the City's website:
<http://www.sandiego.gov/city-clerk/officialdocs/notices/index.shtml>
- Notices are published in the San Diego Transcript.



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Community Plans

- Policy document – not regulation.
- Tailored policies for long-range development
- Contains specific proposals for future land use
- Identifies public improvements
- Part of the City's General Plan
- Used by whom?



Role of Community Planning Groups

- Focus on Plan Policies
- Recommendation with Conditions
- Communication with Community
- Information Bulletin 620 (Cooperation & Coordination)



Assessment Letters

- Details project issues
- sent to the chair of the community planning
- Cycle Issues Report includes each staff comment.
- Not a project approval/recommendation.
- Excellent tool for the CPG
- Projects will change based on the issues.



Tips for Successful Planning Group Review

- Make Recommendations Early
- Facilitate project review meetings
- Treat Project Customer Professionally
- Regular Communication with Project Manager Via Your Chairperson
- Minutes - Minutes - Minutes!



Your Project Recommendation

- Include Actual Vote Count
- Enforceable Conditions
- Take Formal Actions (resist continuances)
- If Recommending Denial, Always Provide Backup Documentation as to Why
- Use of e-mail is Encouraged



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Hearing Staff Reports

Community Planning Group Recommendation

005 REPORT NO. PC-05-156

Planning Commission, Agenda of June 9, 2005

MISSOURI STREET TENTATIVE MAP - PROJECT NO. 50055
PROCESS 4

T: DAVID LEPRE, Individual, CRAIG RUBIN, Individual, KEN
AND GINA RUBIN, Husband and Wife, and BUDD AND
JOANNE RUBIN, Husband and Wife.

RY

Issue(s): Should the Planning Commission approve a Tentative Map, Waiver of
Undergrounding and a Coastal Development Permit to convert eight (8)
residential apartment units to condominium ownership at 911 Missouri Street
within the Pacific Beach Community Plan area?

Staff Recommendation:

1. APPROVE Tentative Map and Waiver of Undergrounding No. 148367;
and
2. APPROVE Coastal Development Permit No. 204655.

Community Planning Group Recommendation: The Pacific Beach
Community Planning Committee approved this application by a vote of 14-0 on
January 25, 2005, with no conditions.

Other Recommendations: None.

Environmental Review: The project is Exempt from environmental review
pursuant to the California Environmental Quality Act (CEQA) Article 19, Section
15301(k), existing facilities.

- Vote is presented as an attachment to the report.
- Any letters sent to staff may also be included in report.
- Staff addresses concerns raised by Planning Group within the body of the report



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Staff Reports

Staff Reports are available on-line. Planning Commission Reports do not have attachments. City Council reports provide all attachments.

Planning Commission

<http://www.sandiego.gov/planning-commission/#reports>

City Council

<http://www.sandiego.gov/city-clerk/officialdocs/legisdocs/index.shtml>

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Project Appeals

- Project Appeals
 - Bulletin 505
<http://www.sandiego.gov/development-services/industry/pdf/ds-5505.pdf>
- If appealing a project as chairperson, the appeal must be consistent with community group vote and the \$100 appeal fee will be waived.
- Appeal must be complete and submitted in a timely manner.
- Be as specific as possible.



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The City of San Diego California Environmental Quality Act (CEQA)



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Development Services Organizational Chart

DSD is charged with implementing CEQA on behalf of the City of San Diego

Kelly Broughton, DSD Director

Cecilia Gallardo, Deputy Director

Cathy Winterrowd, Assistant Deputy Director

EAS

MMC

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- “California Environmental Quality Act”, a State law passed in 1970
- It is a **process** triggered by a discretionary action to disclose to the public and decision makers the environmental impacts of development projects.
- Requires identification and adoption of feasible mitigation measures and/or alternatives for the significant environmental effects of project

What is CEQA ?



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Purpose of CEQA

- Inform decision makers and the public about the possible environmental effects of projects
- Identify ways environmental damage can be avoided or reduced
- Prevent or avoid damage to the environment through alternatives or mitigation
- Disclose to the public reasons a project is approved even if it leads to environmental impacts



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Produce a legally defensible document and, pursuant to Section 128.0103(b) of the Land Development Code, an unbiased impact analysis.

Unlike other members of the reviewing team, EAS does not make any recommendation to approve or deny a project.

Maintain independence and objectivity while conducting the environmental review. This mandate is emphasized in City Attorney's Opinion Number 95-2.



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Pre-Public Review CEQA Process

- Preliminary Review for Completeness of Application
 - Determine if action is discretionary
 - Determine whether action is a project
- Review for Exemption
 - General Rule
 - Statutory Exemption
 - Categorical Exemption
- Commence Initial Study and complete within 30 days.
 - Based on results, conclude previously addressed or prepare ND, MND, Addendum, EIR, or other document.



Significance Thresholds

- Adoption not required by CEQA
- Thresholds provide staff with guidance on determining the significance of an impact
- If an impact is determined to be significant, mitigation or an Environmental Impact Report is required.
- Lower thresholds result in more significant impacts and preparation of more Environmental Impact Reports when impacts cannot be mitigated.



Significance Thresholds

- Used for evaluating significance on **all** discretionary projects submitted to the City



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Evaluation Guidelines

- CEQA Statutes and Guidelines
- Biology Guidelines
- Historical Resources Guidelines
- Community Plans
- Land Development Code
- Technical Reports
- Significance Thresholds



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EAS Coordinates With

Within DSD (Regulator)

- Historic Resources Board staff
- fire prevention officer
- transportation engineers
- hydrology/water quality engineers
- geologists
- biologists
- historical resources specialists
- noise experts
- permit planners
- landscape planners
- long range planners
- Multiple Species Conservation Program staff

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EAS Coordinates With

Other Regulators

- California Department of Transportation (CALTRANS)
- U.S. Fish and Wildlife Service
- Army Corps of Engineers
- Regional Water Quality Control Board
- County Environmental Health
- County Air Pollution Control District
- California Department of Fish and Game



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Exemptions

- **Statutory Exemptions**
 - Used to exempt ministerial (e.g., building permits and Substantial Conformance Review) and certain types of discretionary projects (e.g., emergency projects, pipelines less than a mile) regardless of impacts.
- **Categorical Exemptions**
 - Used to exempt certain types of discretionary projects where there is no “reasonable possibility” for a significant impact.



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Result of the Analysis: the Draft Environmental Document

- Negative Declaration (ND)
 - No significant effect
- Mitigated Negative Declaration (MND)
 - Significant effects are mitigated
- Environmental Impact Report (EIR) – If there is substantial evidence, that a project may have a significant effect that cannot be mitigated



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Environmental Impact Report

- Analyzes significant effects and discusses ways to mitigate
- Project Alternatives are analyzed
- Cumulative impacts are analyzed separately
- Projects may be approved with significant unmitigated impacts
- Findings and Statement of Overriding Considerations must be adopted



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Role of the Consultant

- Hired by the applicant
- Helps in the preparation of technical studies
- **All** work is subject to review and approval by City staff



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CEQA EIR Alternatives

- Lead agency [City] shall consider a reasonable range of alternatives that would foster informed decision-making and public participation
- CEQA Alternatives must:
 - Avoid or substantially lessen any significant environmental effect of the project
 - Feasibly attain most of the basic goals and objectives of the project



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CEQA Alternatives

- **No Project Alternative**
- **Alternatives Considered but Rejected**
- **Environmentally Superior Alternative**



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Public Review



- 45 calendar-days
- Staff responds to public comments. Environmental document revised if necessary.
- Final document distributed 14 days before first public hearing (LDC Section 128.0310(a)).



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Project Decision

- Certify/adopt environmental document
- Approve project
- Notice of Determination (NOD) filed; sets limits on legal challenges



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Environmental Appeals Regulations



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Environmental Appeals Regulations Why?

CEQA amended to require appeals to Council of:

- Exemptions
- Negative Declarations
- Mitigated Negative Declarations
- Environmental Impact Reports



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Environmental Appeals Regulations Appeal Hearings

- City Council Hearing
- By a majority vote, the Council may:
 - Deny the appeal and uphold the determination
 - Grant the appeal and make superseding environmental determination or CEQA findings
 - Grant the appeal, set aside the determination, and remand for reconsideration



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CEQA Statutes, Guidelines and Cases

<http://ceres.ca.gov/ceqa/>

City CEQA Implementation Ordinances

<http://clerkdoc.sannet.gov/legtrain/mc/MuniCodeChapter12/Ch12Art08Division01>

<http://clerkdoc.sannet.gov/legtrain/mc/MuniCodeChapter12/Ch12Art08Division02>

City Significance Thresholds

<http://www.sandiego.gov/development-services/news/newslist.shtml>



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Contacting Us

- Project Management, (619) 446-5220
- Community Planning, (619) 235-5200
- Development & Permit Information, (619) 446-5000
- Neighborhood Code Compliance, (619) 236-5500
- General Information (619) 446-5000
- Internet: www.sandiego.gov



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Thank you for your
participation!

ANY QUESTIONS?



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