

Development Review Process Workshop

Project Review Process:

Development Permits and CEQA

May 12, 2012

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



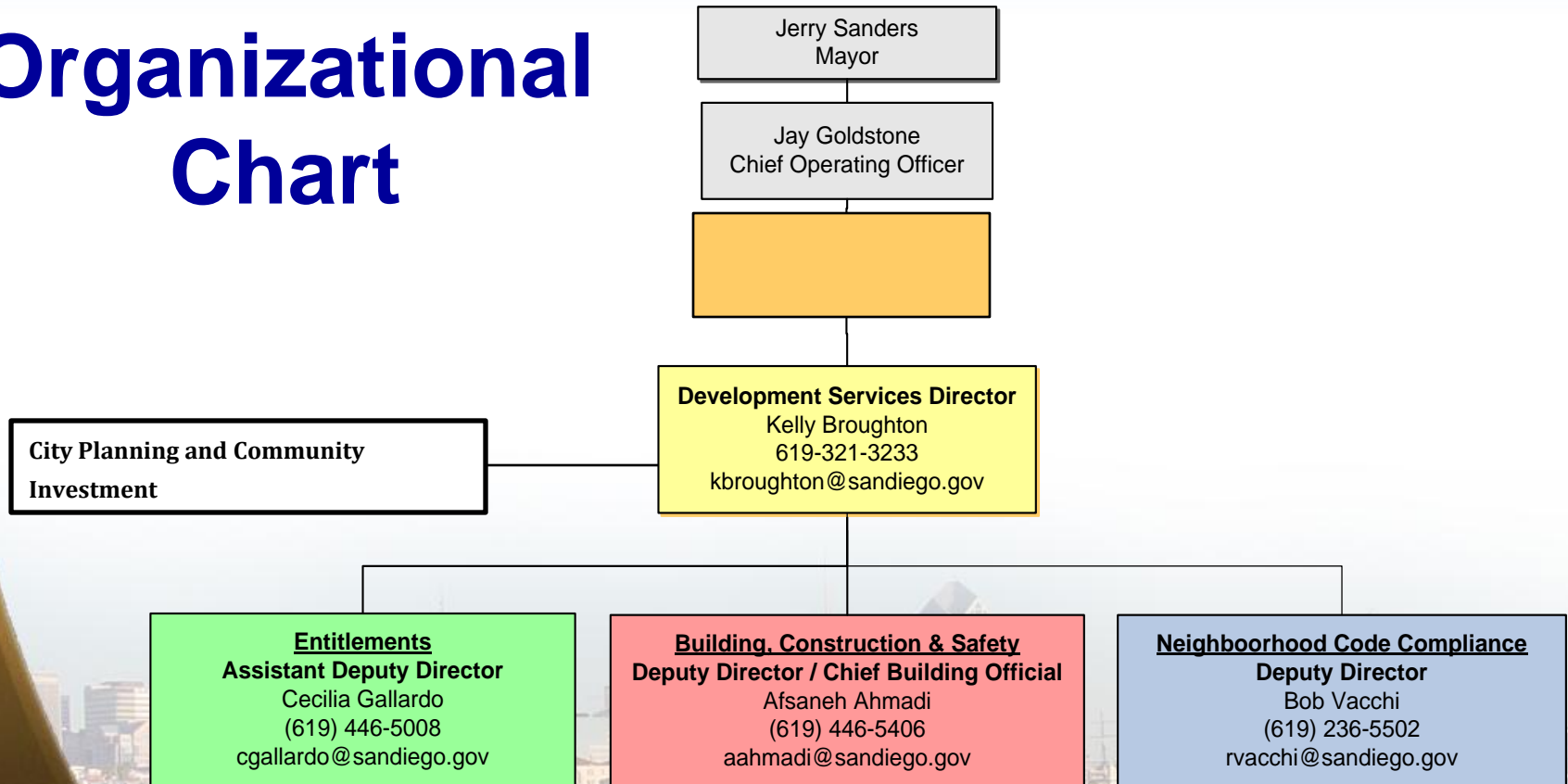
Vision of the Department

*Developing quality
communities through
service, partnership and
innovation*



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Organizational Chart



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Kelly Broughton
Development Services Director



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Afsaneh Ahmadi, Deputy Director

Chief Building Official

Plan Review And Inspection For Building,
Mechanical, Plumbing, Electrical, Fire Permits
And Approvals, Construction Inspections



Cecilia Gallardo

Assistant Deputy Director

Landscape Review,
Planning Review, Mitigation Monitoring
Coordination, Environmental Review



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Mike Westlake, Program Manager

Project Management, Expedite Program,
Public Projects

Assistant Deputy Director

Plan Review, Over the Counter Plan Checks
and Screening.



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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 central banner features the text "Development Services" and the tagline "Managing your land and building development from concept to completion" with a city skyline image. Below the banner, there are several columns of links and information:

- I want to...**
 - Make an Appointment
 - Get Directions to a Permit Center
 - Request Zoning Information
 - Request a Record of My Property
 - Get a Simple No Plan ePermit Online for Mechanical, Electrical, Plumbing Permits
 - View the City Municipal Code
 - View Residential Base Zone Regulations
 - View Planned District Regulations
 - View Amendments to Land Development Code and Local Coastal Program
 - View Emergency Fire Information Section
 - View Mapping and Land Title Document Review Section
 - View Wireless Communication Facilities Section
 - View Accessibility Requirements Section
- Our Customer Service Commitment**
 - Community and Customer Ombudsman, Customer Bill of Rights, Customer Survey
- Contact Us**
 - Hours, Locations, Management, Phone Directory
- Development Process: Step-by-Step**
 - Step 1: Define Project, Step 2: Site Information, Step 3: Discretionary Review, Step 4: Plan Review, Step 5: Permits & Approvals, Step 6: Inspection, Step 7: Occupancy
- Homeowners**
 - Overview of the Permit Process
- Construction Industry Professionals**
 - Affordable Housing, Condominium Conversion, Process Overview, Other Development Agencies & Organizations
- Small Business**
 - Small Business Liaison, Overview/Small Business, Business Improvement Districts (BIDs), Construction Permit Tip
- Forms & Guidelines**
 - Building Newsletters, Codes & Regulations, Design Guidelines & Templates, Fee Schedules, Forms, Information Bulletins, Special Inspection Information, Submittal Manual, Unreinforced Masonry (URM) Buildings
- Decision Makers**
 - (Land Use) City Council, Hearing Officer, Planning Commission
- Neighborhood Code Compliance**
- LEA**
 - Solid Waste Local Enforcement Agency
- Planning**
 - About Planning, General Plan, Community Plans, Historical Resources, Multiple Species Conservation Program (MSCP), Transportation Planning, Park Planning, Maps & Urban Analysis
- Facilities Financing**
- Seismic Safety Study Maps**
- News and Updates**
 - Meeting Notices, Notices on Policies and Decisions, Other Newsworthy Items

Additional sections include:

- San Diego Gas & Electric Programs and Services**
 - Residential Rebates and Services
 - Business Rebates and Incentives
 - Building Green
 - Renewable Energy Projects
- 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**
- Affordable Housing Expedite Program**

The footer shows the URL <http://www.sandiego.gov/planning/community/> and a taskbar with various application icons and the system clock showing 9:39 AM.



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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:

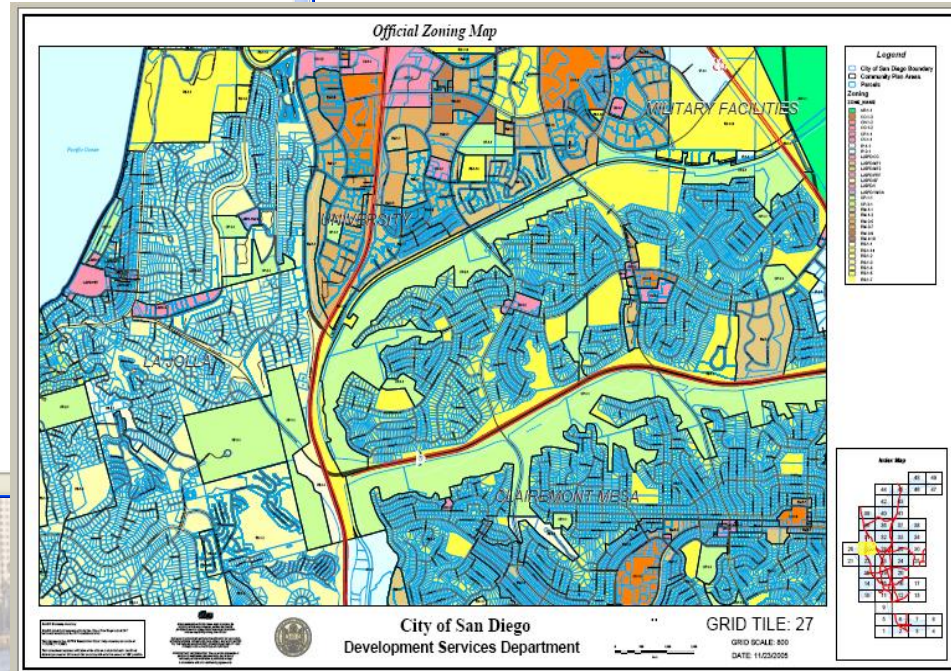
Name	Abbreviated Name
CENTRE CITY PLANNED DISTRICT-A	CCPD-A More Info

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

A discretionary approval or entitlement is an action required by the Land Development code that includes public input and a noticed public hearing.

An entitlement is merely the first approval granted in the application process and additional permits are still needed prior to the commencement of construction (e.g., building permit, improvement permit, grading permit).

A discretionary entitlement is distinct from projects, actions, or uses allowed by right per the LDC. If a project is in full compliance with the LDC only a building permit is required.



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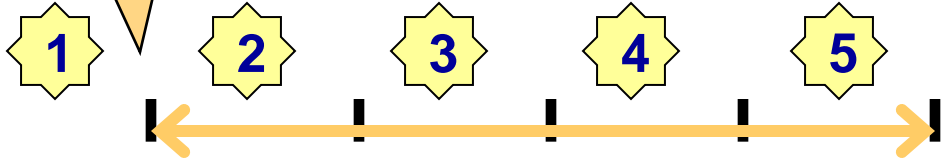
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Approval Types

Discretionary Entitlement

"By Right"

Decision Process



- Construction 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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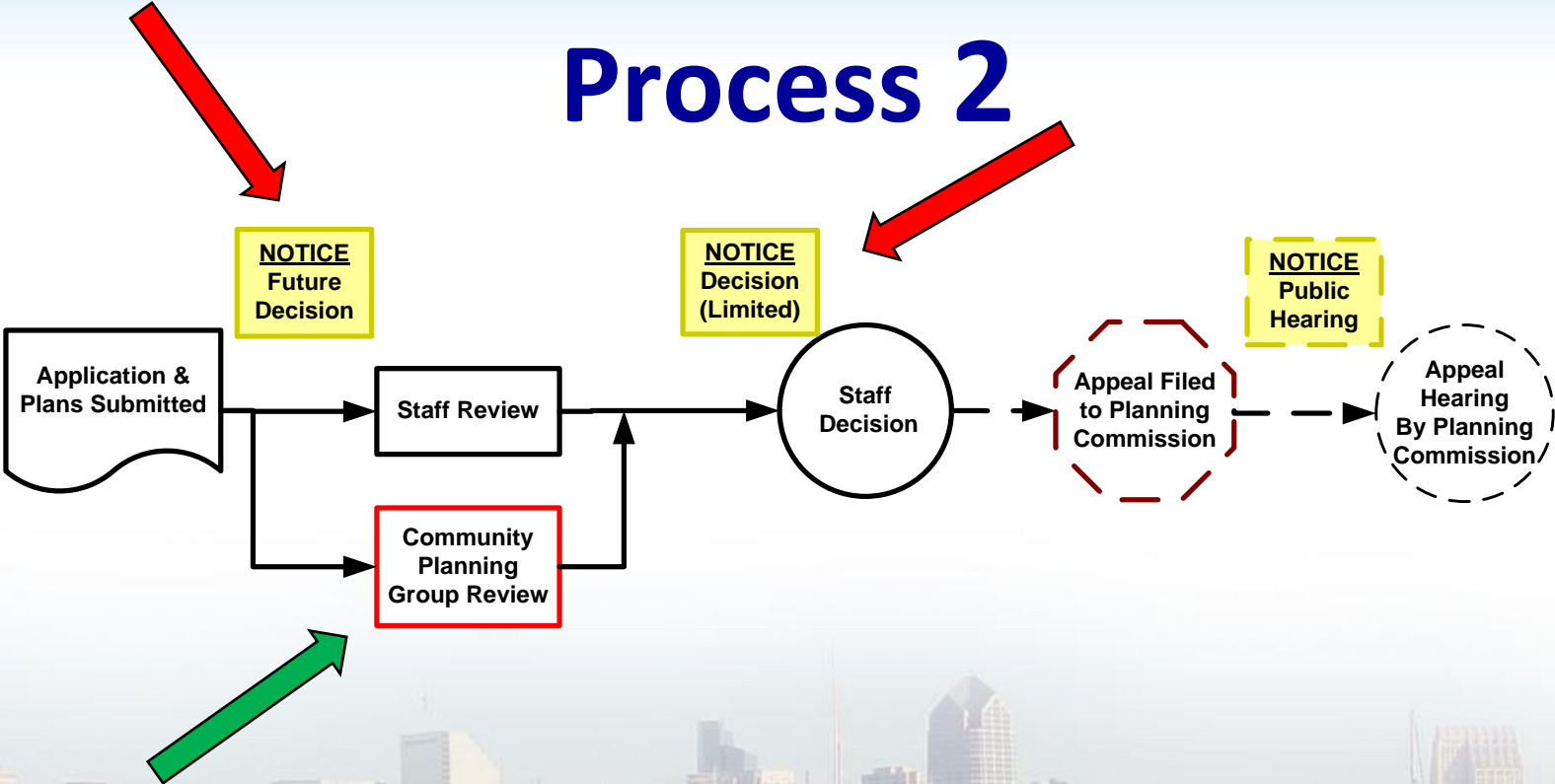
Discretionary Process Types

- **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



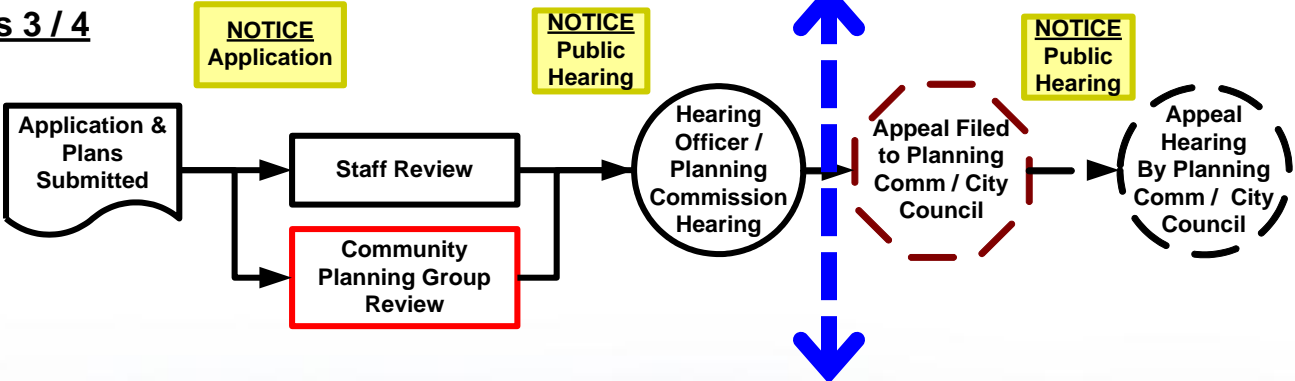
Notice of Future Decision – CPG has right to request 20 business day extension. Per SDMC Section, 112.0503(b)



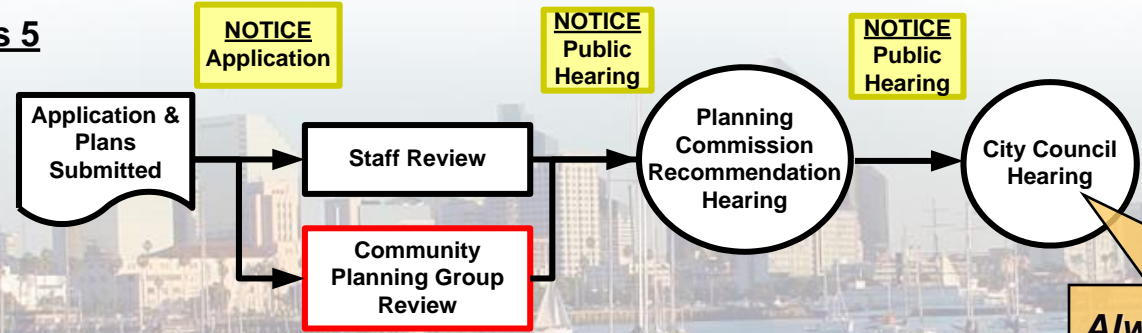
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Process 3,4,5

Process 3 / 4



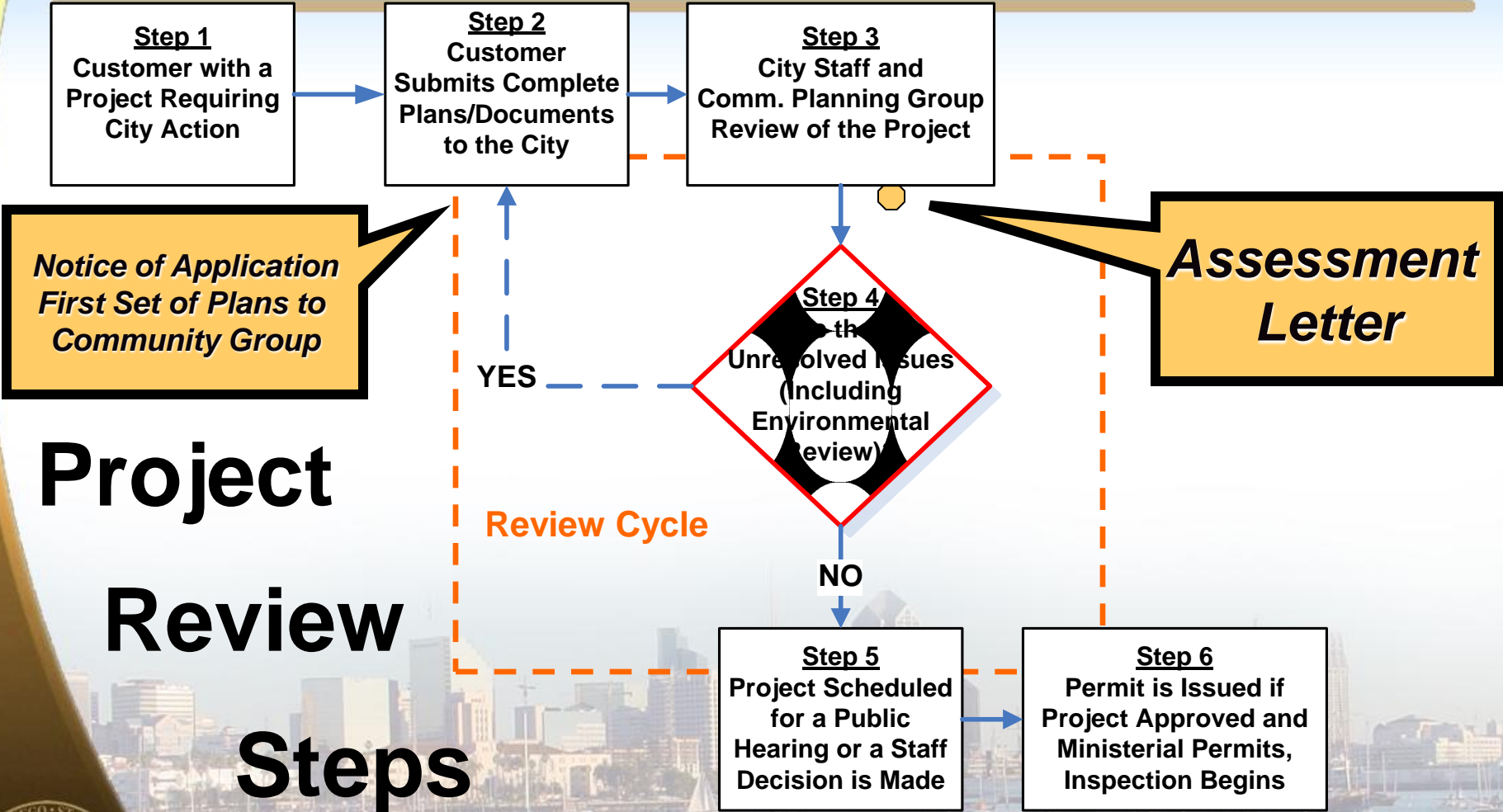
Process 5



Always the Final decision by the City



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Things to know

- Community Plan Amendments
- Noticing
- CPG Role and Review
- Hearings and Appeals



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Community Plans

A community plan is a public document which contains specific proposals for future land uses and public improvements in a given community.

A community plan is part of the City's General. It provides tailored policies and a long-range physical development guide for elected officials and citizens engaged in community development.



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Community Plan Amendment

A community plan amendment is an action to revise or update a specific community plan.

Reasons to amend a community plan typically include facilitating a development proposal that is not consistent with the current plan or to make the plan consistent and cohesive to the underlying zoning.

A CPA often is accompanied by a rezone action and is always a process 5 City Council decision.



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Community Plan Amendment

- First step, Community Plan Amendment Initiation
- Initiation – courtesy notice sent to community planning group.
 - Community Planning Group recommendation included within staff's report to the Planning Commission
- Who can Initiate:
 - Property Owner, Community Planning Group, Staff, City Council/Planning Commission
- Purpose of Initiation
 - Scope of Initiation discussed within the body of staff's report to the Planning Commission



Community Plan Amendment

- Second Step, if initiated, then project is submitted and can be deemed complete.
 - Notice of Application
 - First set of plans sent to community group
- First Review Cycle Completed by staff
 - Assessment Letter sent by city staff



Noticing

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



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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.



Role of Community Planning Groups

- Focus on plan policies
- Recommendation with conditions
- Communication with community
- Information Bulletin 620 (cooperation & coordination)



Assessment Letters

- Assessment letters detailing the project issues are sent to the chair of the community planning group once staff has completed each review cycle of a project.
- Assessment letters are accompanied by a Cycle Issues Report that includes every staff comment.
- Project approvals are not made on the project within the assessment letters.
- Assessment letters are an excellent tool for the CPG to understand what the project issues are and if/how a project may 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!



Tips for Successful Planning Group Review

- Include actual vote count
- Enforceable conditions
- Take formal actions (resist continuances)
- Document and provide reasons for any recommendation to deny a project.
- 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 Appeal Issues

- 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 Overview



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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

Vacant, Entitlements Deputy Director

Cecilia Gallardo, 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, may not matter in court (fair argument standard)
- 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** 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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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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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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Subsequent Documents

- 15162 - Subsequent Documents
 - Addendum
 - Supplemental EIR
 - Subsequent EIR



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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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CEQA 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 the City to facilitate appeals to Council of:

- Exemptions
- Negative Declarations
- Mitigated Negative Declarations
- Environmental Impact Reports
- Actions not subject to CEQA



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Environmental Appeals Regulations Appeal Hearings

- Public Noticing Required
- 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 re-consideration by DSD Director, City Manager, or Planning Commission



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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/newslst.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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