

Development Review Process Workshop

Project Review Process:

Development Permits and CEQA

2014

Presenters:

Kerry Santoro and Will Zounes



**City of San Diego
Development Services Department**

Presentation Overview

- **Types of Permits & Approvals**
- **Permit Review Processes**
- **Noticing & Public Participation**
- **Tips for Successful CPG Review**
- **CEQA (California Environmental Quality Act)**
- **Questions**



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Development Services Main Webpage www.sandiego.gov

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"Managing your land and building development from concept to completion"

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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](#)

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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

<http://www.sandiego.gov/planning/community/>

Start | Inbox - Microsoft Outlook | El Niño V02.03.12 PHO... | Hooper_files | Microsoft PowerPoint - ... | Development Servic... | Local Intranet | MyFiles >> | 100% | 9:39 AM

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Types of Development Approvals/Permits



Two Types of Approvals

- **Ministerial**: Administrative decisions by staff only (e.g. Building permits).
- **Discretionary**: Approval/Denial by a Decision-Maker after public notice and/or public hearing.



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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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The type of discretionary approval is based both on the scope of the project, and the location of the project.



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Samples of Discretionary Approvals

Approval

Basis

Coastal Development Permit:

Coastal Zone development

Tentative Map:

To subdivide property

Rezone/Plan Amendment:

To change land use

Planned Development Permit:

Allows zone flexibility/deviate

Conditional Use Permit:

To allow uses conditionally

Site Development Permit

Impacts to environmentally sensitive lands



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Approval/Permit Review Processes



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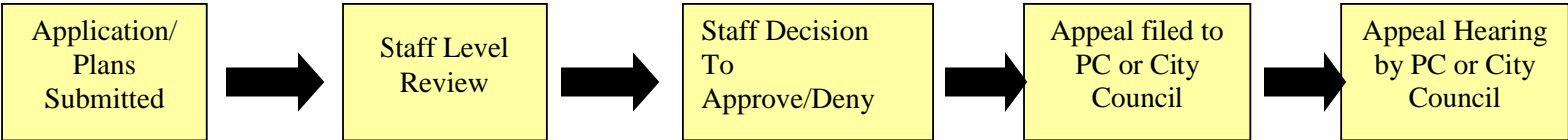
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Decision Processes

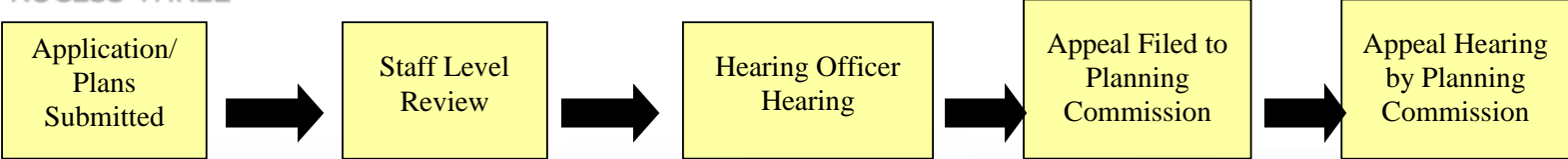
PROCESS ONE



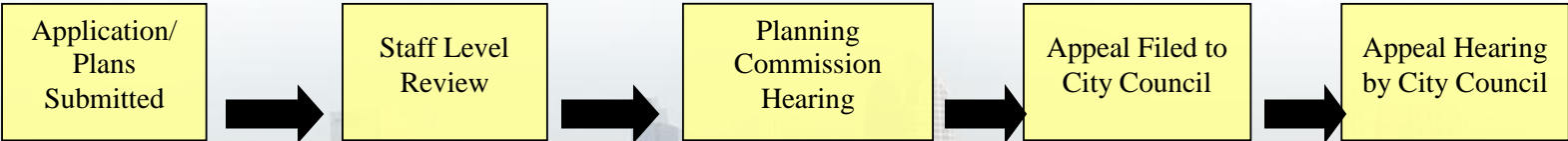
PROCESS TWO



PROCESS THREE



PROCESS FOUR



PROCESS FIVE



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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

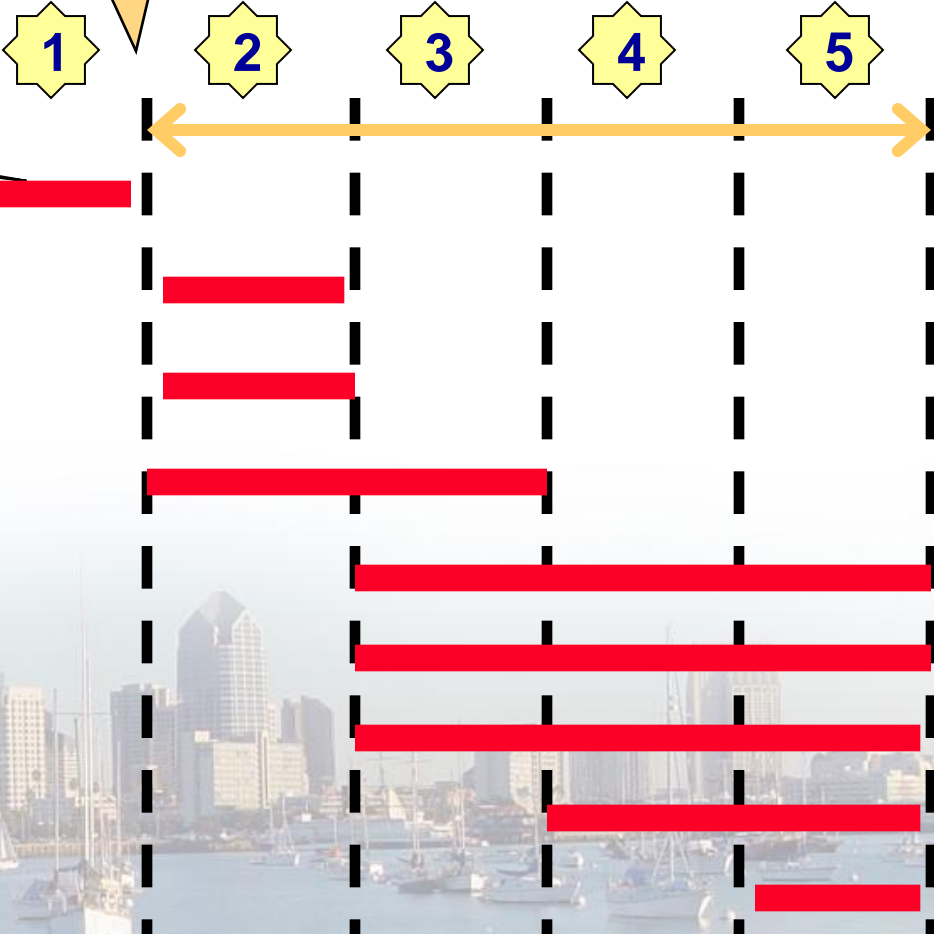
Conditional Use Permits

Coastal Development Permits

Subdivision Maps

Planned Development Permits

Legislative Actions



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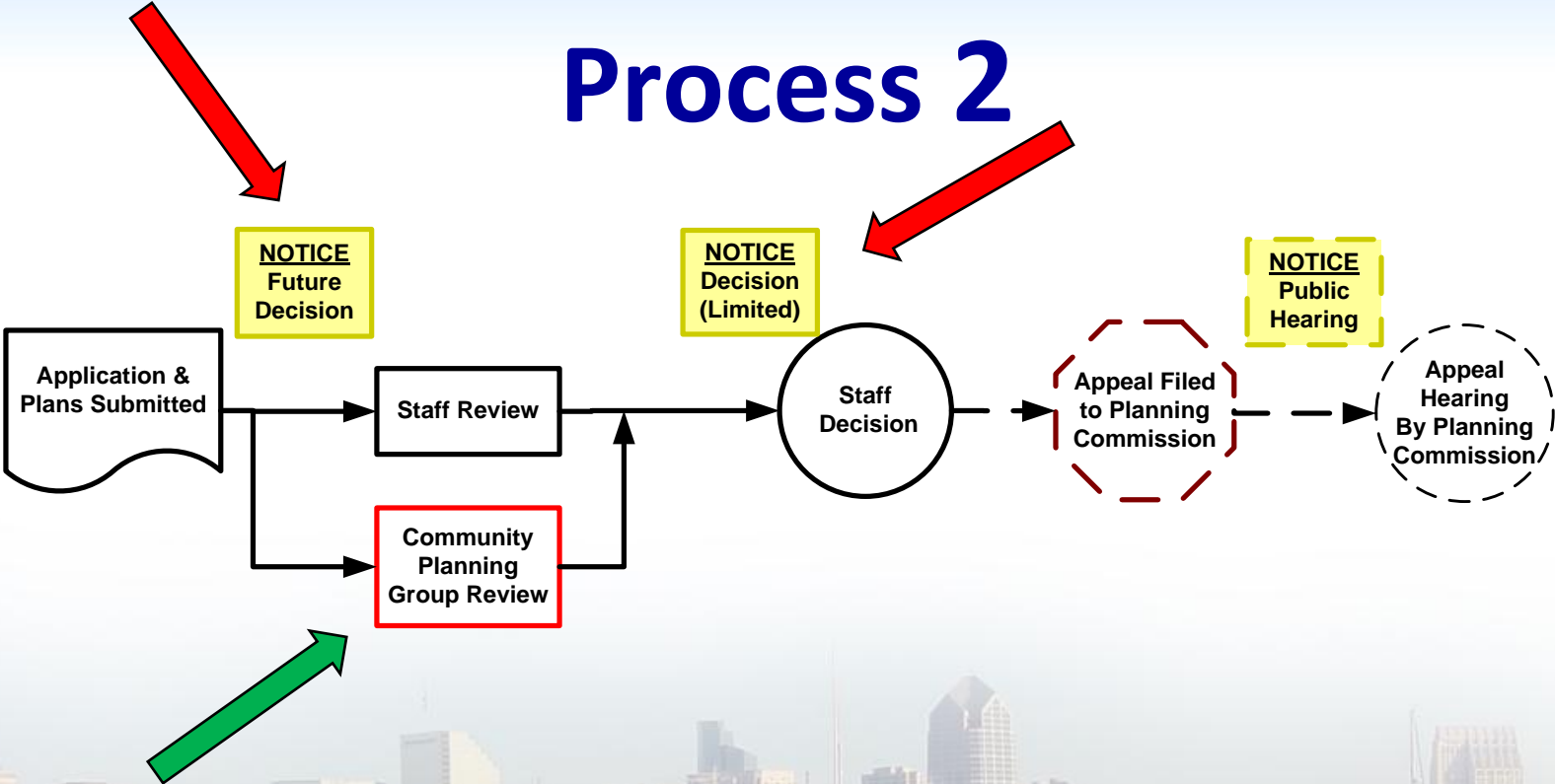
Discretionary Process Types Appeals

- **Process 2**
 - Staff Decision
 - Appeal to Planning Commission or City Council
- **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



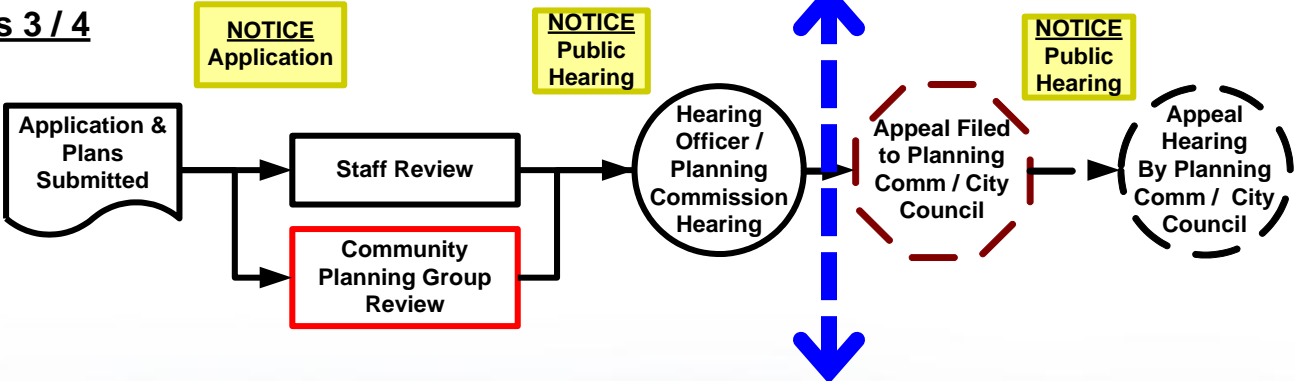
Notice of Future Decision – CPG has right to request 20 business day extension. Per SDMC Section, 112.0503(b)



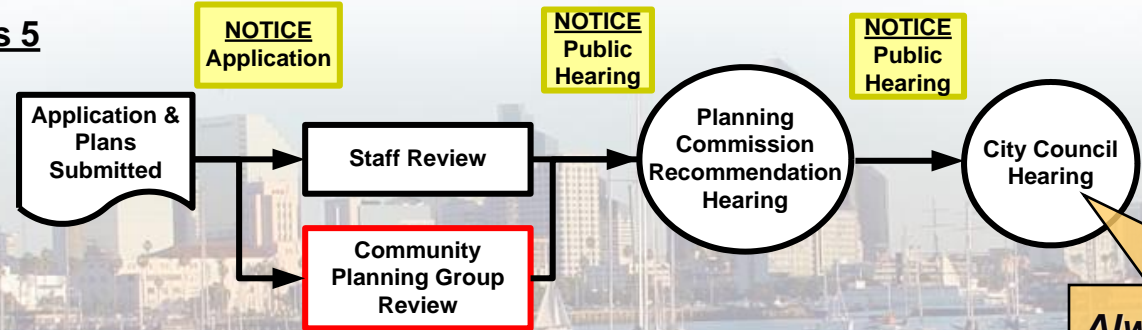
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Process 3,4,5

Process 3 / 4



Process 5



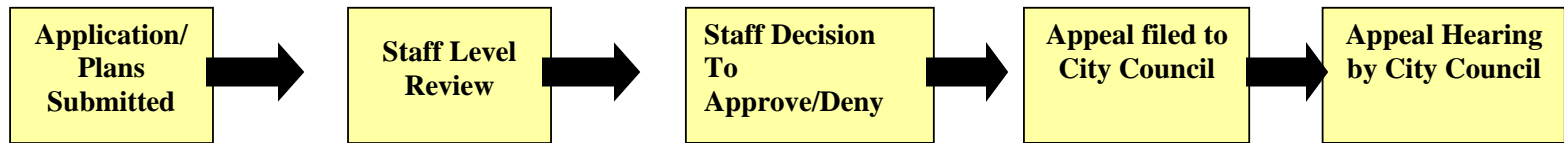
Always the Final decision by the City



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CIP Decision Processes

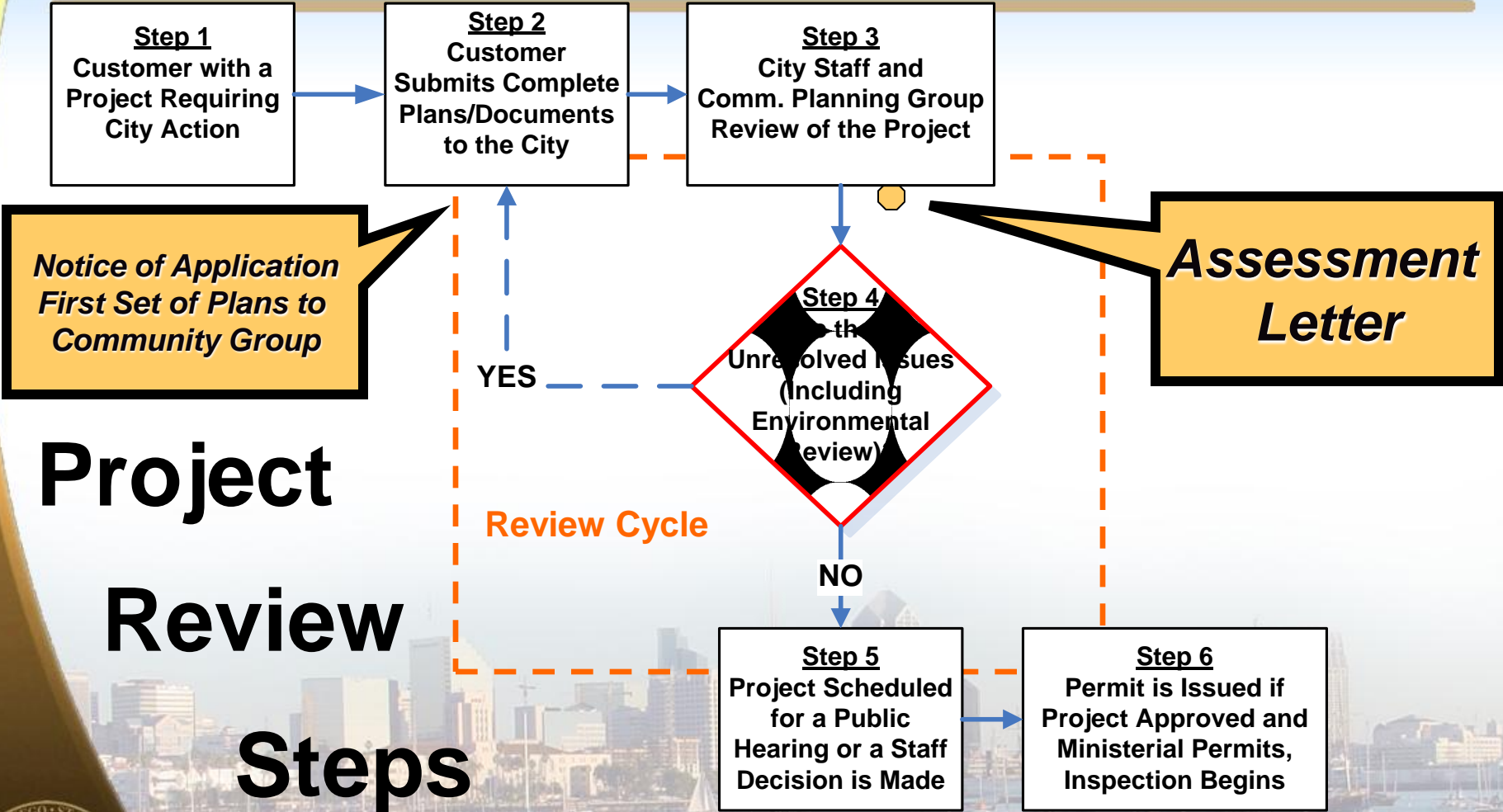
PROCESS TWO- CIP



PROCESS FIVE - CIP



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Noticing and Public Participation



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Permit Noticing

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



Permit Noticing

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



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Permit Notices



THE CITY OF SAN DIEGO

DATE OF NOTICE: September 10, 2004

NOTICE OF APPLICATION

DEVELOPMENT SERVICES DEPARTMENT

As a property owner, tenant, or person who has requested notice, you should know that an application has been filed with the City of San Diego for a Coastal Development and Site Development Permit (Process 3) to convert existing residence into a pool house and construct an 11,104-square-foot single family residence on a 1.01-acre site. The property is located at 2667 Hidden Valley Road in the SF Zone of La Jolla Shores Planned District within the La Jolla Community Planning Area, Coastal Overlay (non-appealable), Coastal Height Limitation and Council District 1.

PROJECT NUMBER: 43931
PROJECT NAME: BADIEE RESIDENCE
CONTACT NAME: DOUG FESS
COMMUNITY PLAN AREA: LA JOLLA

CITY PROJECT MANAGER: Laura C. Black
MANAGER PHONE NUMBER: (619) 446-5112

The decision to approve or deny this application will be made at a public hearing. You will receive another notice informing you of the date, time, and location of the public hearing. In addition, this item will be discussed by the Community Planning Group for the area in which the project is located. They will make an advisory recommendation to the City of San Diego.

You may contact Simon Andrews, Chair of the La Jolla Community Planning Association at (858) 456-7900 to inquire about the community planning group meeting dates, times, and location for community review of this project.

If you have any questions regarding this application after reviewing this information, you can call the City of San Diego Project Manager listed above.

This information will be made available in alternative formats upon request.

Job Order No. 42-3095



CITY OF SAN DIEGO

Date of Notice: May 25, 2005

NOTICE OF PUBLIC HEARING PLANNING COMMISSION

DATE OF HEARING: June 9, 2005
TIME OF HEARING: 9:00 AM
LOCATION OF HEARING: Council Chambers, 12th Floor, City Administration Building, 202 C Street, San Diego, California

PROJECT TYPE: Coastal Development Permit, Tentative Map and Waiver of Undergrounding
PROJECT NUMBER: 50055
PROJECT NAME: 911 MISSOURI STREET TENTATIVE MAP
APPLICANT: David Lepre, Craig Rubin, Ken and Gina Rubin, Budd and Joanne Rubin

COMMUNITY PLAN AREA: Pacific Beach
COUNCIL DISTRICT: District Two

CITY PROJECT MANAGER: Laura C. Black, Development Project Manager
PHONE NUMBER: (619) 446-5112

As a property owner, tenant or person who has requested notice, you should know that the Planning Commission will hold a public hearing to approve, conditionally approve, or deny an application for a Coastal Development Permit, Tentative Map and Waiver of Undergrounding to convert eight (8) existing residential units to condominiums on an existing 6,259 square foot site. The project is addressed as 911 Missouri Street in the RM-1-1 Zone, Coastal Overlay Zone and Coastal Height Limit Overlay Zone within the boundaries of the Pacific Beach Community Plan.

Should the condominium conversion project be approved, tenants may be required to vacate the premises. No units may be sold in this building unless the conversion is approved by the city and until after a public report is issued by the Department of Real Estate. Each tenant has the exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant



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Development Services Department

City Council Policy 600-24

Community planning groups have been formed and recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff and other governmental agencies on land use projects. Those recommendations are considered at all hearings by decision-makers.



Tips for Successful CPG Review

- Project recommendations should focus on conformity with Community Plan.
- Project recommendations should be timely.
- Regular communication with City Project Manager.
- Approve meeting minutes in a timely fashion.
- Information Bulletin 620 (Cooperation & Coordination) <http://www.sandiego.gov/development-services/industry/information/infobulletins/number.shtml>



More Tips during Project Review

- May not require additional information from applicant beyond the City's requirements as a condition to be placed on the CPG action agenda.
- Must allow participation at meetings of all affected stakeholders.
- Must inform the project applicant in advance of any meeting, and allow applicant the opportunity to present project.



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Once More Tip (Brown Act)

Collective Concurrence: Any attempt to develop a collective concurrence of the members of a planning group as to action to be taken on an item by members of the planning group, either by direct or indirect communication, by personal intermediaries, by serial meetings, or by technological devices, is prohibited, other than at a properly noticed public meeting.



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



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.
- CPG may be asked to waive appeal rights



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



**City of San Diego
Development Services Department**



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Planning, Neighborhoods and Economic Development Organizational Chart

The Planning Director is now authorized to implement CEQA
per the San Diego Municipal Code

William Fulton, Planning Director

Cathy Winterrowd, Deputy Director

ERA

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Development Services Department**



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Development Services Organizational Chart

DSD is authorized by MOU to implement CEQA for private projects on behalf of the City of San Diego Planning Director

Robert A. Vacchi, DSD Director

Kerry Santoro, Interim 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.

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, ERA/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 the City (Regulator)

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



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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 Wildlife



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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 and the City's Municipal Code require ability for appeals to City Council of:

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



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Environmental Notice of Right to Appeal



THE CITY OF SAN DIEGO

Date of Notice: January 9, 2014

NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION DEVELOPMENT SERVICES DEPARTMENT

PROJECT NAME/NUMBER: AMENDMENTS TO THE MUNICIPAL CODE AND LOCAL COASTAL PROGRAM RELATED TO MOBILE FOOD TRUCKS

COMMUNITY PLAN AREAS: City-wide

COUNCIL DISTRICTS: All

LOCATION: On public street rights of way throughout the City of San Diego and on private properties.

PROJECT DESCRIPTION: Creation of a new use category in the City's zoning code to regulate mobile food truck operations that involve sales of food and beverage (pre-packaged or prepared and served from the vehicle or an attached trailer) from a motorized vehicle to the general public for consumption on or off of the premises. Municipal Code Chapters 13 and 15 would identify the allowable zone locations, and regulatory criteria would be identified in Section 141.0612.

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego

ENVIRONMENTAL DETERMINATION: Categorically exempt from CEQA pursuant to CEQA State Guidelines Sections 15301(c) [Existing Facilities] and 15311(c) [Accessory Structures].

ENTITY MAKING ENVIRONMENTAL DETERMINATION: City of San Diego Development Services Department



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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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