

2021 Community Orientation Workshop (COW)



Zoom Functions

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Zoom Functions

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	Welcome	
5:00 PM	Introduction & Review of Purpose and Structure of Workshop	
5:05 PM	Greetings to Planning Group Members	
5:10 PM	Roles & Responsibilities of Community Planning Groups	
5:50 PM	Presentation: Development Review Process, Discretionary Permits, CEQA, & OpenDSD	
6:25 PM	Break	
6:30 PM	Presentation: San Diego Association of Governments (SANDAG), Regional Plan/RTP	
6:45 PM	Guest Q&A Panel	
7:30 PM	Conclusion of Workshop	



Mike Hansen, AICP Director, Planning Department





Bill Hofman Planning Commission Chair







Shannon Mulderig Associate Planner

Lesley Henegar Senior Planner

Nathen Causman Associate Planner

Katie Witherspoon Senior Planner







• Ralph M. Brown Act

• Community Planning Group Bylaws

Indemnification Ordinance

• Robert's Rules of Order





Council Policy 600-24:

Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups





- Role of community planning groups as advisory bodies
- Sets standards in exchange for indemnification
- Role of Community Planners Committee (Council Policy 600-09)

Article I: Name



- Name
- Boundaries
- Positions & Opinions

Planning Areas in the City of San Diego, for full map visit: https://www.sandiego.gov/planning/community/profiles





Article II: Purpose

- Advisory recommendation
- Project review
- City staff assistance
- Nonpartisan/nonsectarian
- Political elections & ballot initiatives
- Timely review and response to projects





Solution Planning Department

Q1

Who is the main point of contact if you have questions about a project the community planning group is reviewing?

- a) The Development Project Manager Development Services Department
- b) Community Planner Planning Department
- c) The project applicant





Article III: Organization

- Quantity of members
- Recognized members
- Representative of community / eligibility
- Terms
- Retain eligibility
- Compliance / Violations





Article IV: Vacancies

- Declaring vacancies
- Filling vacancies
- Inability to fill vacancies







Article V: Elections

- Meeting minimum attendance requirement
- Publicizing elections
- Voting
 - Secret written ballot
 - No proxy voting allowed
 - > Voting times







Can an employee of a local business owner cast a ballot on behalf of that business owner?

- a) Yes, without restrictions
- b) Yes, but only if the employee has a notarized letter granting him/her permission to vote
- c) No, proxy voting is not permitted





Article VI: Duties

- Cooperatively work with City staff
- Conduct meetings as civil, public decision-making processes open to the public
- Follow Brown Act provisions



Brown Act Law

SD Planning Department

Meeting requirements

- Transparent & open deliberations
- Public right to attend & provide comment
 - > Notice requirements
 - > 72 hours for normal meeting;
 24 hours for special meeting
 - > Agenda descriptions





Article VI: Duties

Meeting Procedures

Planning Department

- Regular meeting agenda posting
- Quorum and public attendance
- Public comment
- Adjournments & continuances
- Consent agenda







Q3

If a Community Planning Group has **15 seats**, but **2 of those seats are vacant**, how many members need to be in attendance in order to conduct business (have a quorum)?

- a) 8 members
- b) 7 members
- c) All active members of the board







How long can the public comments on an agenda item go for?

- a) Indefinitely
- b) The CPG Chair can place time limits
- c) 1.33 minutes



Article VI: Duties

Meeting Procedures

- Development project review
- Action on agenda items
- Special meetings
- Emergency meetings (not allowed)
- Right to record
- Disorderly conduct







5 What step(s) need to be taken in order to add an action item to the agenda during a meeting?

- a) A two-thirds vote is needed from the planning group
- b) It must be determined by a vote that immediate action is needed on the item
- c) The need for action on the item came to the attention of the Planning Group subsequent to the agenda being posted
- d) All of the above





6 How can a CPG organize a Special Meeting?

- a) With an email sent 2 hours before the meeting
- b) Chairs may call a special meeting with a 24-hours advance posted notice as required
- c) With a phone call to all members of the board





Article VI: Duties

Subcommittees

- Standing Subcommittees
- Ad Hoc Subcommittees

Meeting Documents & Records

- Agendas
- Minutes
- Records Retention





Q7

If a subcommittee votes on a project, can that vote bypass the CPG and move straight to the City as the formal recommendation?

- a) Yes, but only if the CPG attempted to take a vote on the project, but was unable to get a quorum
- b) No, in no case may a subcommittee recommendation be forwarded directly to the City as the formal recommendation
- c) Yes, without restrictions



Article VI: Duties





- Community outreach
- Planning group documents
 - ≻ Roster
 - >Annual Report
- Financial contributions





Article VII: Officers

- Chairperson
- Vice Chairperson
- Secretary
- Other officers





Solve Planning Department

Article IX: Rights & Liabilities

Indemnification & representation

- Indemnification Ordinance (2009)
- Defense and Indemnity for CPG and its members
- Must meet all required circumstances





Solve Planning Department

Article IX: Rights & Liabilities

Brown Act remedies & penalties

- In substantial conformance if CPG members follow bylaws
- Further information of Brown Act and Council Policy

CP 600-24 Violations & remedies

- Member violations
- Group violations





• Community Planning Workshops Web Page: (COW HANDBOOK)

https://www.sandiego.gov/planning/community/resources

- Community Planning Group Web Page: www.sandiego.gov/planning/community/cpg/
- Community Planning Group Email:

SDPlanningGroups@sandiego.gov

Community Planning Group Contact List:

https://www.sandiego.gov/planning/community/contacts

• Brown Act Resources

California Attorney General http://oag.ca.gov/open-meetings

League of Cities

http://www.cacities.org/Resources/Open-Government



Questions & Answers









Development Review Process, Discretionary Permits, CEQA, & OpenDSD

San Diego Association of Governments (SANDAG), Regional Plan/RTP

Guest Panel Q&A





Community Planning Group Reviewing Development Projects

Raynard Abalos, DSD/Deputy Director <u>RAbalos@sandiego.gov</u>

Tim Daly, DSD/Assistant Deputy Director <u>Tpdaly@sandiego.gov</u>

Anna McPherson, DSD/Program Manager <u>AMcPherson@sandiego.gov</u>

David Saborio, DSD/Development Project Manager III <u>DSaborio@sandiego.gov</u>
Presentation Overview

- DSD Online Resources
- Types of Discretionary Approvals
- Decision Process Levels
- Public Projects
- CPG and DPM Roles
- Findings
- CPG Conditions and Recommendations
- Public Hearing Documents
- Appeals
- CEQA Reviews



Digital Resources: DSD Main Webpage

http://www.sandiego.gov/development-services



sandiego.gov

Digital Resources: OpenDSD https://opendsd.sandiego.gov/Web/Approvals/Search

SAN DIEGO OpenDSD Development Services Department	SAN DIEGO OpenDSD Development Services Department
OpenDSD Approval Search Invoice Search Maps -	OpenDSD Approval Search Invoice Search Maps-
Approval Search	Approval Search
ID Search Address Search Customers can search DSD's permit information for projects submitted from 2003-current, except for the following permits submitted after January 16, 2018	ID Search Address Search Type in Street Number and Street Name and then click on the Search icon . If a pop-up window appears, select the correct address. Click on Search.
are located at https://aca.accela.com/SANDIEGO/Default.aspx: Code Enforcement Cases News Rack Permit Residential Rootlop-Mounted Solar Photovoltaic (PV) Permit Simple Permit -MEP Permit (No-plan Mechanical, Electrical and Plumbing permits) Traffic Control Permit	Street Number Enter Street Number Base Road Name Q
Transportation Permit Approval/Project search allows the public to search by project number or approval number (permit number). Use Address Search to search by a specific address. Searching by map is available by selecting the Map pull down menu above.	7325 W. Santa Fe St. Street # Base Road Name Chosen road will show up here
Approval ID Enter Approval ID Or	Search Clear
Project ID Enter Project ID Search Clear	

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Digital Resources: OpenDSD https://opendsd.sandiego.gov/Web/Approvals/Search

The City of	OpenDSD Development Services Department		The S.	City of	OpenDSD Development Services Department
	Approval Search Invoice Search Maps -			OpenDSI	D Approval Search Invoice Search Maps -
Project 5	85277 - 2142 Logan Ave SDP/CDP		,	Approv	al #2080979 - Coastal Development Permit
Project Informa	ation			Applicat	
Scope	BARRIO LOGAN (Process 3) Coastal Development Permit and Site Development Permit to construct a mixed-use building to include 11 artist studios, retail sales, offices, and gallery spa at 2142 Logan Avenue. The 0.10-acre site is in the Redevelopment Subdistrict of the Barrio Logan Planned District, Coastal (Non-appealable) overlay zone within the Barrio Logan Community Plan area in Council District 8.	ces		12/26/20 Approval In	
Administrative				Status	Issued
Hold	Densel II. Anthony	_		Issued	03/14/2019
DSD Contact	Bernal II, Anthony (619)446-5147 AQBernal@sandiego.gov			Issued by Permit Holder	Bernal II, Anthony Siavash Ghamaty
Application Expiration	12/24/2027			Net Change DU	,
Deposit Account	24007548 Add a deposit in the amount of:			Valuation	\$0.00
Number		+		Sq. Footage	
				First Inspection	
Customer Infor	mation	>		Complete	
Review Cycles		>		Scope	Recorded 3/13/2019; Doc No. 2019-0089150; Resolution No. HO-7200; SDP No. 2080980: CDP No.
Jobs		>			2080979; Project No. 585277; Project will construct a 4,503 SF, two-story over basement mixed-use building which includes 11 artist studios, retail sales, offices, and a 588 SF commercial Gallery and eating and drinking space located on the ground floor.
Fees		>		Job	
Invoices		>		Мар	Google Map of 32.698855,-117.140113 Google Map of 32.698855,-117.140113
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Digital Resources: Accela https://aca-prod.accela.com/SANDIEGO/Default.aspx

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User Name or E-mail: Password: Login > Computer Net forgotten my password New Users: Register for an Account Welcome to the new Citizen Portal	Search for Records Enter Information below to search for records. Site Address Contractor Lucnes Information Parcel Number Record Information Contact Information Select the search type from the drop-down list.
We come to the new Cluzen Portal We are pieased to offer our cluzen, businesses, and visitors access to government services online, 24 hours a day, 7 days a week. In partnership with Accela, Inc., we are fulfilling our promise to deliver powerful e-government services and provide valuable information about the community while making your interactions with us more efficient, convenient, and interactive. To use ALL the services we provide you must register and create a user account. You can view information, get questions answered and have limited services as an anonymous user. We trust this will provide you with a new, higher level of service that makes living and working in our community a more enjoyable experience. What would you like to do today? To get started, select one of the services listed below:	General Search General Search Record Type:
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General Information	License Type: State License Number: Business License #: Select First: Last: Name of Business:
DSD Permits Create an Application Search Applications	Street No.: Direction: 0: Street Name: 0: Street Suffix: Street Type: Prom + 70 Salact-* Salact-* Salact-* Unit Type: 0 Unit No: 0 Parcel No: Salact-* State: Zip: Salact-*
DSD Code Enforcement	Longitude: Latitude:
Search Applications	Search Additional Criteria (select Record Type above to limit criteria)
	Search Clear Activate Windows Go to Settings to activate Windows.

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Digital Resources: GIS and Zoning Maps

https://www.sandiego.gov/development-services/zoning



Digital Resources: Archived Projects

https://www.sandiego.gov/development-services/records



Digital Resources: Open Data Portal

https://data.sandiego.gov/datasets/?department=development-services



Digital Resources: Municipal Code https://www.sandiego.gov/city-clerk/officialdocs/legisdocs/muni

me Us Committees	Official City Documents	City Boards & Commissions	Records Management	Info, Elections, Lobbying & Economic Interests
				Official City
Municipal Code				Documents
A Division of the City of San Diego City Cler	rk's Office			Official City Documents Home
The City of San Diego's Municipal Code cor Code is organized by Division.	ntains many of the or	dinances for the City of S	an Diego. The Municipal	City Attorney Legal Documents City Bulletin of Public Notices City Clerk Legislative Document
The Municipal Code is updated as new ord	linances are adopted	by the City Council.		Budget Review Committee
A Table of Contents is provided to facilitate	e location of specific o	divisions		
Full Text Search of the Municipal Code				
Type one or more search terms in search	box and press the "S	earch" button, also see 🖪	asic Search Essentials)	
Main Form				
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Table of Contents				
 Chapter 01, General Provisions 				
 Chapter 02. Government 				
 Chapter 03. Business Regulations. Bu 	rsiness Taxes, Permits	s and Licenses		
 Chapter 04, Health and Sanitation 				
 Chapter 05, Public Safety, Morals and 	t Welfare			
 Chapter 06, Public Works and Proper 	ty: Public Improveme	ent and Assessment Proce	edings	
 Chapter 07. Public Utilities and Trans 	portation			
 Chapter 08, Traffic and Vehicles 				
 Chapter 09, Building, Housing and Sig 	en Regulations			
 Chapter 10, Planning and Zoning 				
Chapter 10, Planning and Zoning Chapter 11, Land Development Proce	edures			

Development Process Webpage http://www.sandiego.gov/development-services/devprocess/index.shtml

welopment ime	I Services OpenDSD Construction Business Home Development Process Step-by Industry Owners Owners Step	Zoning News & Cont Updates Us
Dev	elopment Process: Step-by-Step	Development Process Step-by-
-	the process for developing property in San Diego by clicking on the numbered boxes below.	Step Development Process Home
	e City's requirements and procedures from concept to completion for your project. Find out the key s involved, tips to expedite the process, and quick access to the resources you will need along the way.	<u>1. Define Project</u>
Deve	elopment Process Overview	Oversiew Are You Ready to Submit Your
1	Define Project: Does your project need a permit?	Application2 • Other Helpful Information • 2. Site Information
2	Site Information: Are there site constraints on your project?	Oversetev Determine Your Property's Zone Permit Records and Mapping Coloring
3	Discretionary Review: Does your project require special approvals?	Submittel Requirements Vinsuel DPI S. Discretionary Review
4	Plan Review: Does your project need a permit?	Courriew Key Areas Project Submitted Requirements
5	Permits & Approvals: Do you have everything you need to obtain your permits & approvals?	
6	Inspection: Are you ready for an inspection?	Project Schmittal Requirements S. Permits & Approvals Overview
9	Occupancy: is your project complete?	Grading & Right-of-Way Permit Issuance

Project Reviews: What You Will Receive

https://opendsd.sandiego.gov/Web/Approvals/Search





o/approvals/ and input the Project Number

- Access OpenDSD at https://opendsd.sandier to view review status and applicant or DSD contact information.
- Direct questions to the "DSD Contact" listed in OpenDSD. Do not contact the sender of this email.
- · To change the designated contact for your department/agency, please email the request to DSDOfflineReviews@sandiego.gov.

Agencies and Reviewers Outside the City or

City Departments without Project Tracking System (PTS) Access:

- Email your comments for this project submittal to DSDOfflineReviews@sandiego.gov prior to the review due date listed above. Be sure to include the Project Number in the email subject line.
- · Indicate in your comments if you would like to receive future submittals of this project. No further project submittals will be provided unless specifically requested.

City Departments with Project Tracking System (PTS) Access:

 Complete your review in PTS prior to the due date listed above. Indicate in PTS if an additional review is required and if any documents required for your next review.

Community Planning Groups:

 Review the project and provide a recommendation as outlined in Information Bulletin No. 620, by completing/submitting a recommendation via the CPG Form, which is provided on page 3 of IB620.

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Project Reviews: Drawings https://opendsd.sandiego.gov/Web/Approvals/Search



Project Reviews: Studies

https://opendsd.sandiego.gov/Web/Approvals/Search





- The Checklist is required only for projects subject to CEQA review.²
- If required, the Checklist must be included in the project submittal package. Application submittal
 procedures can be found in <u>Chapter 11: Land Development Procedures</u> of the City's Municipal Code.
- The requirements in the Checklist will be included in the project's conditions of approval.
- The applicant must provide an explanation of how the proposed project will implement the requirements described herein to the satisfaction of the Planning Department.

Application Information





Two Types of Approvals

- Ministerial: Administrative decision by City staff (e.g. building permits)
- Discretionary: Approval or Denial by a Decision Maker after public notice and/or public hearing (e.g. Coastal & Site Development Permits, subdivisions)



"Entitlement" Definition

- Process of obtaining legal approvals required to develop land for a desired use
- Can describe Ministerial and Discretionary processes but most typically Discretionary



Ministerial Approvals

- Staff-level decision
- "By Right" construction permits
- Little or no discretion/subjective judgment
- Use of fixed standards & objective measurements
- No public notice, appeal process or CPG input
- Building, grading, electrical, plumbing permits

Discretionary Approvals

- Exercise of judgment/deliberation
- Decision Maker uses discretion to approve or deny
- Legal findings must be made to support the decision
- Requires public notice, decision may be appealed
- CPG recommendation requested per Council Policy 600-24
- Not a construction building permit; development plans are conceptual
- Approval required based on scope and location

Common Discretionary ApprovalsApproval TypeBasis

- **Coastal Development Permit:**
- Tentative Map:
- Rezone/Plan Amendment:
- Planned Development Permit:
- Conditional Use Permit:
- Variance:
- Site Development Permit:

Coastal Overlay Zone development To subdivide property To change allowed land uses Allow zone flexibility/deviations To allow uses conditionally Relief from regulations when warranted Impacts to environmentally lands, or

surrounding areas, CPIOZ's

Decision Process Levels

- Process 1 City Staff, Ministerial, no appeals
- Process 2 City Staff, Appeal to Planning Comm.
- Process 3 Hearing Officer, Appeal to Planning Comm.
- Process 4 Planning Commission, Appeal to Council
- Process 5 City Council, Final Decision, no appeal

* Processes 2-5 are Discretionary Actions *



Decision Process Levels

- The higher the decision level the more project complexity
- The higher the decision level, more discretion involved
- Processing costs increase with decision level
- Most Council decisions require a Planning Commission recommendation as well





Decision Processes



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What is a Public Project?

- Generally located on City property or public right-of-way
- Originates from a City dept, lessee or other gov't agency
- Capital Improvement Projects (CIP)
- Includes Fire & Lifeguard Stations, Parks, Utilities, Libraries, Roads, Parks, Trails, etc.
- CIP Info: <u>https://www.sandiego.gov/cip/projectinfo</u>
- CIP's have Discretionary DPM as well

Public Project Process

- Process 2 CIP SDMC sec. 112.0602
- Process 5 CIP SDMC sec. 112.0604
- Process 2, Public Service Easement Vacations
- Process 2 CIP appeals heard by City Council
- Same submittal requirements as a private project
- Project & funding approved annually in Engineering and Capital Improvement budget



CIP Decision Processes

PROCESS TWO - CIP



PROCESS FIVE - CIP



Decision Maker vs. Advisory Body

- Community Planning Group and City reviewers are advisory
- Advisory bodies make recommendations not project decisions
- DSD, HO, PC and CC are Decision Makers
- Only Decision Maker can approve/deny a project
- Decision Maker may not follow advisory recommendations (use of discretion)



Community Group Role

- "Technical Expert" for your adopted community plan
- Review projects based on adopted Community Plan and General Plan elements and goals
- Provide clear and timely recommendations
- Work with the project applicant at community level



The Community Group Member

- City Council Policy No. 600-24 <u>http://docs.sandiego.gov/councilpolicies/cpd_600-</u> <u>24.pdf</u>
- Info Bulletin 620 "Community Planning Committees" <u>http://www.sandiego.gov/development-</u> <u>services/pdf/industry/infobulletin/ib620.pdf</u>

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Development Project Managers

- All Discretionary projects require a DPM
- DPM manages the multi-discipline review team
- City's single point of contact for the project application processing
- Prepares assessment letters, staff reports, draft permits, findings, and required approval documents
- Presents the project at City public hearings
- Advocates for the City's PROCESS not the project



Project Submittals

- Project plans & application routed to CPG by City
- CPG is a reviewer in City's Project Tracking System
- DPM enters CPG comments into system
- Additional submittals with significant changes sent to CPG along with Assessment Letters
- CPG cannot require additional submittal documents





Assessment Letters

- Prepared by City DPM
- Valuable tool for applicant and CPG
- Outlines project issues, required permits, process level, next steps, resubmittal instructions
- CPG Chair receives copies of all Assessment Letters
- Available approx. 5 weeks after 1st submittal
- Prepared for each subsequent review

CPG Impact on Project Schedule

- Coordinate with project applicant's and review projects as soon as possible
- Environmental review timing
- Public hearing schedule timing
- Information items vs. action items
- Amount and role of subcommittees
- Is project enhanced through timely public dialog?

Reviewing Plans

- Standard submittal requirements:
 - Title Sheet, Site Plan, Grading Plan, Landscape Plan, Public Improvement Plan, Floor Plans, Roof Plans, Elevations, Cross Sections, Renderings, etc
- Use your resources, technical experts on board?
- You are a Community Plan expert!
- Asking for additional information?

Community Plans

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

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

- Policy documents, subjective, not ordinance
- Policy vs. Regulation
- Community Plans are implemented by zoning
- Okay to be subjective
- Discretion is required, so opinions will vary
- Relate issues back to findings to validate opinions



What is a Finding?

Findings means determinations based upon a statement or set of statements of factual evidence that are used as the criteria for making a decision on a discretionary action. (SDMC sec. 113.0103)

The result of a judicial examination or inquiry - the results of an investigation (Merriam Webster Dictionary)



Basic Findings

- "The proposed development will not adversely affect the applicable land use plan";
- "The proposed development will not be detrimental to the public health, safety, and welfare"; and
- "The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code".
P evelopment Services Department

Importance of Findings

- Findings are located in the permit resolution
- Legal basis for decision makers approval or denial
- Findings are subjective (discretionary)
- Relating your recommendations/conditions to the findings gives your issues weight
- Clearly state why findings can or cannot be made
- Framing discussion in findings keeps meeting on track

Pevelopment Services Department

Tips for Successful CPG Review

- Focus on conformity with the adopted Community Plan
- Frame issues within the type application's permit findings
- Take formal action (avoid continuances)
- Project review should be timely
- Communicate with City DPM via the Chair of CPG
- Approve meeting minutes as soon as possible

CPG Conditions

- Must have a nexus (connection) to impact
- Must have a trigger (i.e. prior to building permit)
- Proportional to scope and requested action
- Enforceable and measurable
- Some conditions may not be included in permit
- Applicant may or may not agree to CPG conditions

P evelopment Services Department

CPG Recommendations

- Community Planning Committee Distribution Form Part 1 and 2, or
- DSD Information Bulletin 620; <u>https://www.sandiego.gov/sites/default/files/dsdib620.pdf</u>
- Include actual vote count
- List conditions, clarify if applicant agreed
- Provide backup documentation
- Relate to findings
- Email to DPM, sooner the better!
- Written recommendation is your primary tool

Hearing Staff Reports



- CPG vote a critical component of the process
- CPG vote included prominently in all staff reports
- CPG's concerns addressed in Report
- CPG's minutes included as report attachment



Public Hearing Information

City's Public Hearing agendas, reports, and minutes available on-line:

- Hearing Officer: <u>https://www.sandiego.gov/development-services/public-hearings-meetings-notices/hearing-officer</u>
- Planning Commission: <u>https://www.sandiego.gov/planning-commission</u>
- City Council: <u>https://www.sandiego.gov/council-agendas</u>

P evelopment Services Department

Appealing Project Decisions

- Information Bulletin No. 505, "Appeal Procedure" <u>https://www.sandiego.gov/sites/default/files/dsdib505.pdf</u>
- If appealing a project as CPG chairperson, appeal basis must be consistent with community group vote and appeal fee is waived.
- Appeal application must be complete and submitted in a timely manner.
- Be as specific as possible, individually list appeal points to provide a clear basis. Use Findings!
- Be clear on appeal form if you are appealing the decisions for the "project", the "environmental", or both decisions



What is CEQA?

California Environmental Quality Act (est. 1970)

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







Responsibilities

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

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

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



CEQA Process

- 1. Action proposed
- 2. Decide if action is a project
- 3. Decide if the project is subject to CEQA
- 4. Decide if the project is exempt; if exempt prepare NORA and NOE
- 5. If not exempt, prepare an Initial Study



CEQA Process

- 6. Make an environmental document determination
- 7. Prepare appropriate environmental document
- 8. Public review
- 9. Certify EIR/adopt ND, project approval, findings
- 10. Notice of Determination



CEQA Applies to a "Project"

- A "Project" is an activity which may cause a direct or reasonably foreseeable indirect physical change in the environment, and which is any of the following:
 - An activity directly undertaken by any public agency,
 - An activity undertaken by a person which is supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from one or more public agencies,
 - An activity that involves the issuance to a person of a lease, permit, license, certificate or other entitlement for use by one or more public agencies.





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Coordination



Within DSD

Fire Prevention Officer Transportation Engineers Hydrology/Water Quality Engineers Geologists Biologists Historical Resources Specialists Noise Experts Permit Planners Landscape Planners

Planning (Policy Division)

Long Range Planners Multiple Species Conservation Program Staff

Other Agencies

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



Significance Determination Thresholds

- 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.
- Periodically updated based upon new issues areas, research, case law.



Exemptions

Statutory Exemptions

• These are exemptions granted by the Legislature for certain types of projects, and programs, i.e. pipelines, emergency projects, feasibility and planning studies.

Categorical Exemptions

 Used to exempt certain types of discretionary projects which have been determined through Preliminary Review (CEQA Guidelines Section 15060) not to have a significant effect on the environment.



Environmental Documents

- Negative Declaration (ND)
 - No significant effect.
- Mitigated Negative Declaration (MND)
 - Significant effects are mitigated.
- Environmental Impact Report (EIR) "If there is substantial evidence, in light of the whole record before a lead agency that a project may have a significant effect"



What elevates a project to an EIR?

MNDs

- all significant impacts mitigated through conditions of project approval
- no project alternatives are analyzed
- Cumulative impact analysis required but no separate, explicit discussion required
- Findings and Statement of Overriding Considerations not required

EIRs

- project may be approved with significant unmitigated impacts
- project alternatives are analyzed
- Cumulative impacts are separately analyzed
- Findings and Statement of Overriding Considerations must be adopted



Public Review



- Notice of Preparation (EIR only)
- 20-30 days for ND or MND
- 30-45 days for EIR
- Staff responds to public comments. Environmental document revised if necessary.



Recirculation

Recirculation of an environmental document required pursuant to Sections 15073.5 and 15088.5 of the CEQA Guidelines:

- A new significant impact requiring new mitigation is identified.
- A previously identified impact is found to be significantly increased, and new mitigation is required to reduce the impact to a level below significance.
- Change in circumstances occur which would result in a new or significantly increased impact.



Subsequent Review – 15162 Analysis

No subsequent document unless:

- Substantial changes are proposed in the project which result in new or increased significant effects, or
- Substantial changes occur with respect to the circumstances under which the project is undertaken and result in new or increased significant effects, or
- New information shows:
 - New significant effects
 - More severe significant effects
 - New mitigation measures are determined feasible



Subsequent Documents

- If the conditions in Section 15162 are met, a subsequent EIR/ M/ND, a Supplement to an EIR (Section 15163) or an Addendum to an EIR/M/ND pursuant to Section 15164 can be prepared.
- For Addenda:
 - Minor or Technical Changes to project
 - There can be no new significant impacts or substantial increase in previously disclosed impacts.
 - There is no CEQA requirement for public review of an addendum.



Project Decision

Notice of Right to Appeal the Environmental Determination (NORA)

- For all Exemptions and Environmental Documents prepared under a Process 2 decision.
- Notice covers 10 Business Days
- Notice is distributed to the district's Council Member, the Community Planning Chair, and any interested parties.





Project Decision

- Certify/adopt environmental document or note Exemption
- Approve project
- Notice of Determination (NOD) and Notice of Exemption (NOE)Filed; sets time limits on legal challenges



Land Development Code Regulations

Does not allow appeals of:

- Previously certified documents and addenda
- Decisions already subject to Council approval or appeal to Council:



Additional Resources

CEQA Statutes, Guidelines and Cases

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

City CEQA Implementation Ordinances

http://clerkdoc.sannet.gov/legtrain/mc/MuniCodeChapter12/Ch 12Art08Division01

http://clerkdoc.sannet.gov/legtrain/mc/MuniCodeChapter12/Ch 12Art08Division02

City Significance Thresholds

http://www.sandiego.gov/developmentservices/news/newslist.shtml SD/ Plaevelopment Services Department

DSD Contact Information

- Development Services Department webpage;
 <u>https://www.sandiego.gov/development-services</u>
- Development Services Department Location and Contact Information webpage; <u>https://www.sandiego.gov/development-</u> <u>services/locations-hours</u>



Thank you for your participation!

ANY QUESTIONS?

sandiego.gov



BREAK



City of San Diego Community Orientation Workshop

CORWARD





A Vision for the 2021 Regional Plan

SANDAG | 104

A bold new approach to planning for the future

Embracing datadriven planning, leveraging emerging technologies, and incorporating resident input





Three Challenges

- Reduce *congestion*
- Improve social equity
- Meet state and federal mandates to be faster, fairer, and cleaner







Data-Driven Planning: Where people live and work



San Diego

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Data-Driven Planning: Other regional trips



San Diego
FORWARD

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5 Big Moves

Inter-reliant strategies that work as one and enhance each other

San Diego

FORWARD



Roadways are reimagined using the Complete Corridors and Next OS concept





Transit Leap and Mobility Hub improvements could transform the travel experience



SANDAG | 111



Flexible Fleets could expand the reach of transit



SANDAG | 112

A Bold New Vision Fast, Fair, Clean









Data Viewer

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- Bill Hofman, Planning Commission Chair
- Marlon Pangilinan, Senior Planner, Planning Department
- Noah Brazier, Deputy City Attorney, City Attorney's Office
- Kelly Modén, Planning Commissioner
- Ken Malbrough, Planning Commissioner
- Wally Wulfeck, Community Planners Committee Chair
- Frisco White, AIA, Community Planners Committee Chair



Thank You!

