REMINDER: THIS MEETING IS BEING RECORDED
Heidi Vonblum
Director, Planning Department
Bill Hofman
Planning Commission Chair
Planning Department

Marlon Pangilinan
Senior Planner

Lesley Henegar
Senior Planner

Jeffery Ryan
Senior Planner

Suchitra Lukes
Associate Planner

Christy Cashin
Junior Planner

Selena Sanchez Bailon
Junior Planner
• Council Policy 600-24
• 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
• Advisory recommendation
• Project review
• City staff assistance
• Nonpartisan/nonsectarian
• Political elections & ballot initiatives
• Timely review and response to projects
Who is the main point of contact if you have questions about a project the community planning group is reviewing?

a) Development Project Manager – Development Services Department

b) Community Planner – Planning Department

c) The project applicant
• Quantity of members
• Recognized members
• Representative of community / eligibility
• Terms
• Retain eligibility
• Compliance / Violations
• Declaring vacancies
• Filling vacancies
• Inability to fill vacancies
Planning Department

• Meeting minimum attendance requirement
• Publicizing elections
• Voting
  ➢ Secret written ballot
  ➢ No proxy voting allowed
  ➢ Voting times
Can a member of a community planning group allow another member of the planning group to cast a vote for them when they are absent from a meeting?

a) Yes, without restrictions

b) Yes, but only if the member has a notarized letter granting him/her permission to vote

c) No, proxy voting is not permitted
• Cooperatively work with City staff
• Conduct meetings as civil, public decision-making processes open to the public
• Follow Brown Act provisions
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

Brown Act Law
Meeting Procedures

• Regular meeting agenda posting
• Quorum and public attendance
• Public comment
• Adjournments & continuances
• Consent agenda
Brown Act Compliance and Social Media

• Refrain from engaging in discuss on projects/items that may come before the Board for a vote. This includes social media discussions/posts.
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 comment on an agenda item go for?

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

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

d) All of the above.
How can a Community Planning Group organize a Special Meeting?

a) With an email sent 2 hours before the meeting.

b) Chairs may call a special meeting with a 24-hour advance posted notice.

c) With a phone call to all members of the board.
Subcommittees

- Standing Subcommittees
- Ad Hoc Subcommittees

Meeting Documents & Records

- Agendas
- Minutes
- Records Retention
If a subcommittee votes on a project, can that vote bypass the Community Planning Group and move straight to the City as the formal recommendation?

a) Yes, but only if the Community Planning Group 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.
Recusal

- **Direct Economic Interest in the project**
  - Member must state that they are recusing
  - Member must not participate in discussions as a planning group member
  - Recused member does *not* count towards quorum
  - Recused member may not vote (not calculated in majority vote)

Abstention

- **State up-front (Preferred)**
  - Knowing you will not be voting on the action item
  - Counts as a quorum
  - Vote counted as abstention (not calculated in majority vote)

- **Not known up-front**
  - Declare abstention at the end of the discussion
  - Counts as a quorum
  - Vote counted as abstention (not calculated in majority vote)
• Community outreach
• Planning group documents
  ➢ Roster
  ➢ Annual Report
• Financial contributions
Article VII: Officers

• Chairperson
• Vice Chairperson
• Secretary
• Other officers
• Tailored to specific aspects of community operations
  Bylaw compliant
Indemnification & representation

- Indemnification Ordinance (2009)
- Defense and Indemnity for CPG and its members
- Must meet all required circumstances
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
Community Planning Groups and Development Project Review

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tcleveland@sandiego.gov

Elizabeth Shearer-Nguyen, Program Manager, DSD Manager EShearer@sandiego.gov

Michael Prinz, Program Manager, DSD MPrinz@sandiego.gov
## Online Resources

<table>
<thead>
<tr>
<th>Resource</th>
<th>Web Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Services main webpage</td>
<td><a href="http://www.sandiego.gov/development-services">http://www.sandiego.gov/development-services</a></td>
</tr>
<tr>
<td><strong>OpenDSD 1.0</strong>: Online portal for projects submitted prior to December 20, 2021</td>
<td><a href="https://opendsd.sandiego.gov/Web/Approvals/Search">https://opendsd.sandiego.gov/Web/Approvals/Search</a></td>
</tr>
<tr>
<td>GIS and Zoning Maps</td>
<td><a href="https://www.sandiego.gov/development-services/zoning">https://www.sandiego.gov/development-services/zoning</a></td>
</tr>
<tr>
<td>Open Data Portal</td>
<td><a href="https://data.sandiego.gov/datasets/?department=development-services">https://data.sandiego.gov/datasets/?department=development-services</a></td>
</tr>
<tr>
<td>Records Section</td>
<td><a href="https://www.sandiego.gov/development-services/records">https://www.sandiego.gov/development-services/records</a></td>
</tr>
</tbody>
</table>
OpenDSD 2.0/Accela Citizens’ Access, or ACA:
Online portal for projects submitted on/after
December 20, 2021

GIS and Zoning Maps

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

Zoning

Complete Communities
Zoning Designations

Zoning Portal
Find potential locations for your project in the City of San Diego.

Business Portal
See which permits you may need to start or expand your business.

Residential Portal
Find which permits you may need for single-family home projects. Coming soon: Multi-family projects.

Zoning and Parcel Information Portal (ZAPP)
Find Potential Locations for Your Project

SAN DIEGO
## Project Processing: Approval Types

<table>
<thead>
<tr>
<th>Ministerial</th>
<th>Discretionary</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Development “by right”</td>
<td>• May be required based on project scope and location</td>
</tr>
<tr>
<td>• Little or no discretion</td>
<td>• May be approved or denied by a decision maker, after public notice and/or public hearing</td>
</tr>
<tr>
<td>• Administrative decision by City staff</td>
<td>• Decision maker uses discretion, their judgement, and engages in deliberation</td>
</tr>
<tr>
<td>• Use of fixed standards &amp; objective measurements</td>
<td>• Legal findings are required to support their decision</td>
</tr>
<tr>
<td>• No public notice, appeal process or CPG input</td>
<td>• Initial decision may be appealed to a higher body</td>
</tr>
<tr>
<td>• Building, grading, electrical, plumbing permits</td>
<td>• CPG recommendation requested</td>
</tr>
<tr>
<td></td>
<td>• Development plans are conceptual</td>
</tr>
</tbody>
</table>
# Project Processing: Decision Process Levels

<table>
<thead>
<tr>
<th>Process</th>
<th>Decision Maker</th>
<th>Appeal to</th>
</tr>
</thead>
<tbody>
<tr>
<td>Process One</td>
<td>City Staff</td>
<td>No appeals – Ministerial</td>
</tr>
<tr>
<td>(Ministerial)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Process Two</td>
<td>City Staff</td>
<td>Planning Commission: Private projects</td>
</tr>
<tr>
<td>(Discretionary)</td>
<td></td>
<td>City Council: Public projects</td>
</tr>
<tr>
<td>Process Three</td>
<td>Hearing Officer</td>
<td>Planning Commission</td>
</tr>
<tr>
<td>(Discretionary)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Process Four</td>
<td>Planning Commission</td>
<td>City Council</td>
</tr>
<tr>
<td>(Discretionary)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Process Five</td>
<td>City Council</td>
<td>No appeals – Final decision maker</td>
</tr>
<tr>
<td>(Discretionary)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- As process level increases, so does:
  - Project complexity
  - The amount of discretion involved
  - Project cost

- Process Five land use decisions require a Planning Commission recommendation prior to City Council
## Common Discretionary Approvals

<table>
<thead>
<tr>
<th>Permit Type</th>
<th>Required when applicant wants to.....</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tentative Map</td>
<td>To divide or reconfigure property</td>
</tr>
<tr>
<td>Conditional Use Permit</td>
<td>To carefully consider uses that are appropriate in certain area, but may have effects on surrounding properties</td>
</tr>
<tr>
<td>Planned Development Permit</td>
<td>To allow flexibility in development standards</td>
</tr>
<tr>
<td>Coastal Development Permit</td>
<td>Any development in the Coastal Zone</td>
</tr>
<tr>
<td>Variance</td>
<td>Relief from regulations when warranted</td>
</tr>
<tr>
<td>Rezone/Plan Amendment</td>
<td>To change allowed land uses</td>
</tr>
</tbody>
</table>
Development Project Manager (DPM) Roles

- Provided for all discretionary projects
- DPMS are the City’s project liaison
Community Planning Group Roles

• Advisory body that makes recommendations to decision maker
• Only decision maker (staff, HO, PC, CC) can approve/deny a project
• Decision maker has the discretion on how to follow advisory recommendations
• Expert in your Community Plan and your community’s specific issues
Community Planning Group Roles: Project Review

- Project plans & application routed to CPG by City
- CPG is a reviewer
- Assessment Letters sent to CPG
- “The proposed development will not adversely affect the applicable land use plan”
- Recommendation can support findings of approval
Community Group Role: Making a Recommendation

- Review projects based on adopted Community Plan and General Plan elements and goals
- “Technical Expert” for your Plan
- Work with the project applicant at the community level
- Provide clear and timely recommendations based on Community Plan goals and policies, and required permit findings.
CPG Recommended Conditions

- Must have a nexus
- Must have a trigger
- Must be proportional to scope and requested action
- Must be enforceable and measurable
- All recommendations may not be included in permit
Resources
Public Hearing agendas, reports, and minutes available on-line:

• Hearing Officer: https://www.sandiego.gov/development-services/public-hearings-meetings-notices/hearing-officer

• Planning Commission: https://www.sandiego.gov/planning-commission

• City Council: https://www.sandiego.gov/council-agendas
Appealing Project Decisions

• Information Bulletin No. 505, “Appeal Procedure”
  https://www.sandiego.gov/sites/default/files/dsdib505.pdf

• 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
DSD Contact Information

- Development Services Department webpage; https://www.sandiego.gov/development-services
- Development Services Department Location and Contact Information webpage; https://www.sandiego.gov/development-services/locations-hours
Thank you for your participation!

ANY QUESTIONS?
CEQA: A Nutshell Overview
(pronounced “SEE-kwuh”)

California Environmental Quality Act
Established in 1970
What is the purpose of CEQA?

- Requires public agencies to consider the environmental consequences of their actions

- Four goals:
  - Inform
  - Identify
  - Prevent
  - Disclose
When Does CEQA Apply?

→ The activity requires discretionary governmental approval

→ The activity has the potential to cause direct or indirect physical changes to the environment

→ The activity falls within the CEQA definition of a “Project”
What is a “Project” under CEQA

Basically, an activity is considered a **project** when an agency builds it,
What is a “Project” under CEQA

.... or funds it,
What is a “Project” under CEQA

.... or issues a discretionary permit for it,
Who Implements CEQA?

**Lead Agency** – Agency with the principal responsibility for carrying out or approving a project.

The Lead Agency must complete the CEQA Analysis
CEQA Implementation

City of San Diego
Land Development Code, Section 128.0103(b):

- Produce a legally defensible document and an unbiased impact analysis – disclosure
- Maintain independence and objectivity while conducting the environmental review.

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

1. Activity proposed

2. Determine if activity is a project

3. Determine if the project is subject to CEQA

4. Lead Agency, through project review makes environmental determination
Significance Determination Thresholds

- Provides staff with guidance on determining significance of an impact

- Periodically updated based on new issue areas, research, or case law
CEQA Implementation - Determinations

- Exemptions
- Negative Declaration
- Mitigated Negative Declaration
- Environmental Impact Report
CEQA Implementation - Public Review

- 20-30 calendar days for ND/MND
- 30 calendar days for Notice of Preparation (EIR only)
- 30-45 calendar days for EIR
CEQA Implementation – Public Comments

End of public review period, Lead Agency considers comments.

Must be responded to in writing.

Comments and responses become part of the final document.
Decisionmaker must:

- consider final document, comments/responses, and public testimony,
- Adopt/certify the final document
- Adopt the Mitigation Monitoring and Reporting Program
- EIR Only: adopt CEQA Findings and Statement of Overriding Considerations
CEQA Implementation - Project Decision

Notice of Right to Appeal (NORA)

- Required for Exemptions under Process 2 through 4
- Required for environmental documents prepared under a Process 2 Decision
- Posted for 10 business days
CEQA Implementation - Project Decision

Notice of Determination:

- Filed within 5 working days after final project approval
- Sets time limits on legal challenges (30 vs 180 days)
CEQA Implementation - Environmental Appeal

Land Development Code

- Establishes what environmental determinations can be appealed

- Does not allow for:
  - Appeal of previously certified documents
  - Decisions already subject to Council approval
Questions?

Visit:
https://www.sandiego.gov/planning/about/overview/erprocess

Contact:

Elizabeth Shearer-Nguyen, Program Manager

EShearer@sandiego.gov
BREAK
• Bill Hofman, Planning Commission Chair (Moderator)
• Noah Brazier, Deputy City Attorney, City Attorney’s Office
• Kelly Modén, Planning Commissioner
• Ken Malbrough, Planning Commissioner, past Encanto-Neighbors Chair
• Barry Schultz, CPC chair, Community Board member, past Planning Commissioner
• Frisco White, Carmel Valley Chair, past Planning Commissioner
Thank You!