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Appeal Procedure

INFORMATION BULLETIN
505
October 2024

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This Information Bulletin discusses the appeal procedures for decisions made at various process levels and environmental determinations.

Appeal Fees

Type of Appeal	Process Level or Document Level	Appeal Fee	Appeal Period
Project Appeal	Process CIP – Two	\$1,000	Within 10 ¹ business days ² after the decision date
	Process Two Extension of Time (EOT) for Map Waiver and/or Development Permit		
	Process Two		
	Process Three		
	Process Four		
Environmental Appeal	Process Two and Process CIP – Two: Notice of Right to Appeal (NORA) posted for an exemption or certification of an environmental document.	Within 10 business days ² of the NORA posting date.	
	Process Three and Process Four: NORA posted for an Exemption Determination.		
	Process Three and Process Four: Certification of an environmental document by the decision-maker.	Within 10 business days ² of the decision date.	

- Pursuant to the Subdivision Map Act, an applicant may file an appeal of a decision to deny their application for an EOT for a Map Waiver or Tentative Map no later than 15 calendar days after the decision date.
- Business days are defined in SDMC [§113.0103](#).

As discussed within San Diego Municipal Code (SDMC) Chapter 11, Article 2, [Division 5](#) and [Division 6](#), Process Two (Staff Decision), Three (Hearing Officer Decision), Four (Planning Commission Decision), and Capital Improvement Project (CIP) - Two (Staff Decision) discretionary decisions are appealable to higher decision-making levels. In general, Process Two and Three decisions are appealable to the Planning Commission; however, Process Two Easement Vacations and Extensions of Time (EOT) for a Map Waiver, Tentative Map, or Development Permit are appealable to San Diego City Council.

Additionally, Process Four and CIP - Two decisions are appealable to the San Diego City Council.

An Environmental Determination, as defined in SDMC [§113.0103](#), may be appealed to the San Diego City Council in accordance with SDMC [§112.0520](#). There is no City administrative appeal available for Process Five and CIP-Five decisions or for Environmental Determinations made by the San Diego City Council.

Appeals must be made in accordance with the procedures listed in SDMC [Chapter 11, Article 2, Division 5](#) and [Chapter 11, Article 2, Division 6](#), which are summarized below:

Only those who qualify as “Interested Persons” or “Applicant” per SDMC [§113.0103](#) shall be permitted to file an appeal of a Process Three or Four permit decision.

Any person may appeal Process Two and CIP-Two decisions. Any person may appeal an Environmental Determination not made by the San Diego City Council.

Appeal Criteria

I. Appeal Criteria

The following criteria will be used in determining the valid filing of an appeal (see SDMC [§112.0510](#)):

- Fully completed Development Permit/Environmental Determination Appeal Application [DS-3031](#), which must include the signature of the appellant and the completion of the “Grounds for Appeal.”
- Payment of identified appeal fee, if applicable, or signature of recognized Community Planning Group (CPG) Chairperson/designee (see Section IV below).
- All above items must be submitted to the appropriate location before the close of business day by the end of the appeal period (see Section III below).

II. Invalid Appeals

In the case of an invalidated appeal, the initial decision by Process Two, Three, Four or CIP-Two shall be the final decision of the City of San Diego. The following appeals shall be invalidated:

- Failure to provide any of the required items in the above checklist (see Section I, Appeal Criteria) by the end of the appeal period.
- Failure to provide the appeal fee as required before the end of the appeal period.
- Project appeals made by persons not qualified as an “interested person” or “applicant” for Processes Three and Four only.

III. Filing Methods for Appeals

Appeals in accordance with the Land Development Code that are required to be filed with the City Manager must be made with the Development Services Department (DSD) as specified in “A” below.

Appeals in accordance with the Land Development Code that are required to be filed with the Office of the City Clerk must be made with that office as specified in “B” below. Failure to provide any of the required items in the above checklist (see Section I, Appeal Criteria) by the end of the appeal period.

A. Processes Two and Three Project Decisions Appealable to the Planning Commission:

1. Appeals filed via email

Send the fully completed appeal application [DS-3031](#) (including grounds for appeal and supporting documentation in pdf format) to PlanningCommission@sandiego.gov by 4 p.m. on the last day of the appeal period. When received by the City, the appellant will be invoiced for payment of the required Appeal Fee per this bulletin. Timely payment of this invoice is required to complete the processing of the appeal. Failure to pay the invoice within five business days of invoice issuance will invalidate the appeal application.

2. Appeals filed in person

Bring the fully completed appeal application [DS-3031](#) (including grounds for appeal and supporting documentation) to the touchless payment drop-off drop safe in the first-floor lobby of the Development Services Center, located at 1222 First Avenue, San Diego, CA 92101 by 4 p.m. on the last day of the appeal period.

- The completed appeal package must be clearly marked on the outside as “Appeal” and must include the required appeal fee per this bulletin in the form of a check payable to the City Treasurer. This safe is checked daily, and payments are processed the following business day.
- On the memo line of the check, write the project number and the appellant’s name exactly as it is stated on the associated form DS-3031.
- Cash payments are only [accepted by appointment](#).

B. CIP-Two, Process Two Easement Vacation, and EOT for Map Waiver, Tentative Map or Development Permit, Process Four Project Decisions, and Environmental Determinations Appealable to the City Council:

1. Appeals filed via email

Send an appeal application via email to Hearings1@sandiego.gov. The application must be sent by 5 p.m. on the last day of the appeal period; the email will be acknowledged within 24 hours. An application requires a complete form [DS-3031](#) and, as attachments to the form, supporting documentation, if any, and a copy of the front of the check by which the appeal filing fee is being paid. The documents must be sent via email as a single pdf-formatted file.

- Submit the appeal filing fee by check mailed to: City Clerk/Appeal, MS 2A, 202 C Street, San Diego, CA 92101.
- The fee must be postmarked by the United States Postal Service (USPS) before or on the last day of the appeal period.
- Make the check payable to City Treasurer.
- On the memo line of the check, write the project number and the appellant’s name exactly as it is stated on the associated form [DS-3031](#). Please include a full copy of the appeal submitted by email with your check.
- Timely submittal of both the application and the fee in accordance with these instructions is required for a valid appeal.

2. Appeals filed in person

Submit the fully completed appeal application [DS-3031](#) (including grounds for appeal and supporting documentation) to the front counter of the City Administration Building—Office of the City Clerk Public Information Counter, 1st Floor Lobby, located at 202 C Street, San Diego, CA 92101, by 5 p.m. on the last day of the appeal period. City Clerk staff is available from 9 a.m. to 5 p.m. and payments are processed the following business day.

- The completed appeal form shall include the required appeal fee, with a check payable to: City Treasurer.
- On the memo line of the check, write the project number and the appellant’s name exactly as it is stated on the associated form [DS-3031](#).

Community Planning Group Appeals

In accordance with the recently adopted SDMC amendments in Oct. 2022 via Ordinance No. [O-21546 \(SDMC Section 112.0203\)](#), appeal fees shall not be waived for appeals filed by the recognized Community Planning Groups (CPG). This amendment was certified by the California Coastal Commission on Aug. 10, 2023, and applies Citywide.

Appeals filed by the eligible CPG shall be made by the chairperson or, if necessary, because of direct economic interest conflict or absence, by a designee member identified to appeal that particular action on behalf of the CPG in accordance with [Council Policy 600-24](#). The current Chairperson will be verified by the most updated [Community Planning Groups Contact List](#) maintained by the Planning Department.

Appeal applications and supporting material must be filed by email as noted in [Filing Methods for Appeals](#), completed, signed and provided in Adobe Acrobat .pdf format. The City must receive the email prior to the close of business by the end of the appeal period. The chairperson is responsible for ensuring that the appeal application and supporting material have been received before the deadline.

Withdrawal of Appeals

An appellant may withdraw an appeal at any time prior to the commencement of the appeal hearing before either the Planning Commission or San Diego City Council.

Withdrawal of appeals to the Planning Commission must be filed in writing with the City’s assigned Development Project Manager at the City of San Diego’s DSD. Withdrawal of appeals to the City Council must be filed in writing with the City Clerk.

If all appellants withdraw their appeals, no appeal hearing will be conducted. Withdrawal of the appeal does not entitle the appellant(s) to any refund of appeal-related costs or fees incurred as of the date of the withdrawal; any remaining appeal fees, however, may be refunded by the City Treasurer to each appellant who withdraws their appeal.

Appeals to the Coastal Commission

For those projects within the appealable area jurisdiction of the Coastal Overlay Zone (as defined in SDMC Section 113.0103), the final Coastal Development Permit decision of the City of San Diego may be appealed to the [California Coastal Commission](#) in accordance with procedures set forth in [SDMC §126.0710](#). Appeals to the Coastal Commission must be filed with the Coastal Commission at 7575 Metropolitan Drive, Suite 103, San Diego, CA 92108. Appeals must be filed within 10 business days of the Coastal Commission receiving a Notice of Final Action from the City of San Diego.

VIII. Previous Versions of this Information Bulletin

This section contains previous versions of this information Bulletin by the last day they were effective.

- [2024-10-11 | IB-505](#)

San Diego Mayor **TODD GLORIA**

- Council Districts**
- Council President Joe LaCava (District 1)
 - Councilmember Jennifer Campbell (District 2)
 - Councilmember Stephen Whitburn (District 3)
 - Councilmember Henry Foster III (District 4)
 - Councilmember Marri von Wilpert (District 5)
 - Council President Pro Tem Kent Lee (District 6)
 - Councilmember Raül Campillo (District 7)
 - Councilmember Wlian Moreno (District 8)
 - Councilmember Sean Elo-Rivera (District 9)

- City Officials & Independent Offices**
- Office of Mayor Todd Gloria
 - City Attorney Heather Ferbert
 - Ethics Commission
 - Office of the City Auditor
 - Office of the City Clerk
 - Office of the Independent Budget Analyst
 - Personnel Department

- Government Agencies**
- County of San Diego
 - State of California
 - Federal Government