



Development Review Process: Discretionary Permits and CEQA

May 20, 2017

Presenters:

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Presentation Overview

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



Development Services Main Webpage

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

The screenshot shows the City of San Diego Development Services Main Webpage. The browser address bar displays <https://www.sandiego.gov/development-services>. The page features a blue header with the City of San Diego logo, a weather widget showing 59° and "SAN DIEGO WEATHER", and a search bar labeled "Search sandiego.gov". Below the header is a navigation bar with links for LEISURE, RESIDENT RESOURCES, DOING BUSINESS, LIBRARY, PUBLIC SAFETY, and CITY HALL. A large banner image of the San Diego skyline is displayed, with a credit line "Image by Cindy Devin". Below the banner is a green navigation bar with links for Development Services Home, OpenDSD, Construction Industry, Business Owners, Home Owners, Development Process Step-by-Step, Zoning, News & Updates, and Contact Us. The main content area features the SD logo, the title "Development Services", the address "Development Services Department, 1222 First Ave., MS 301, San Diego, CA 92101-4101", and links for Business Hours, Extended Services, Information by Phone, Appointment Scheduling (619-446-5300), and Limited Hours. A photograph of a modern building with a walkway is shown on the right. The footer includes links for Features and News, and a Feedback button.

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City Officials + Departments

Image by Cindy Devin

Development Services Home

OpenDSD

Construction Industry

Business Owners

Home Owners

Development Process Step-by-Step

Zoning

News & Updates

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SD

Development Services

Development Services Department
1222 First Ave., MS 301
San Diego, CA 92101-4101

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Feedback

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OpenDSD Webpage

<http://www.sandiego.gov/development-services/opendsd>

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Development Services Home

OpenDSD

Construction Industry

Business Owners

Home Owners

Development Process Step-by-Step

Zoning

News & Updates

Contact Us

OpenDSD

The City of San Diego's OpenDSD website provides online data on properties throughout the City. This information covers:

- land development permit applications and issuances since 2003;
- inspections and completion information (including timelines, scope, decisions and costs);
- [Click Here for Instructions on Scheduling An Inspection Online](#)
- invoice searches or [Pay An Invoice Here](#);
- [code enforcement case activity](#) since 2011;
- discretionary and ministerial approval maps; and
- code enforcement maps.

Personal information such as phone numbers about individuals is not provided. Simply scroll down to start your search.

Search OpenDSD

Interested parties can browse data by various identifiers including address. Additionally, you can browse or view the activity on interactive maps.

Search by Data

This data goes back to the year 2003 and is for both current and historical activity. [See related data tips.](#)

Approval Invoice Code Enforcement

OpenDSD

- [OpenDSD Home](#)
- [Code Enforcement Activity](#)
- [Permit Activity Reports](#)

FAQs

Answers to Frequently Asked Questions are available for the following data sets.

- [Approval Status Reports](#)
- [Code Enforcement Status Reports](#)
- [Invoices](#)
- [Online Inspection Scheduling](#)
- [Project Status Reports](#)

If those do not cover your question, please email us at: dsdprojectinfo@sandiego.gov

Activity Reports

- [Code Enforcement Activity](#)
- [Permit Activity](#)

Feedback



Development Process Webpage

<http://www.sandiego.gov/development-services/devprocess/index.shtml>

The screenshot shows the City of San Diego's Development Process webpage. The header includes the City of San Diego logo, a weather widget showing 59° in San Diego, and a search bar. Below the header is a navigation bar with categories like LEISURE, RESIDENT RESOURCES, DOING BUSINESS, LIBRARY, PUBLIC SAFETY, and CITY HALL. The main content area is titled 'Development Services' and includes a 'Development Process: Step-by-Step' section with four numbered steps: 1. Define Project, 2. Site Information, 3. Discretionary Review, and 4. Plan Review. A sidebar on the right provides a detailed list of links for each step. The footer includes a 'Feedback' button and the 'sandiego.gov' logo.

Development Process: Step-by-Step

Navigate the process for developing property in San Diego by clicking on the numbered boxes below.

Learn the City's requirements and procedures from concept to completion for your project. Find out the key elements involved, tips to expedite the process, and quick access to the resources you will need along the way.

Development Process Overview

- 1 Define Project: Does your project need a permit?**
- 2 Site Information: Are there site constraints on your project?**
- 3 Discretionary Review: Does your project require special approvals?**
- 4 Plan Review: Does your project need a permit?**

Development Process Step-by-Step

- [Development Process Home](#)
- 1. Define Project**
 - [Overview](#)
 - [Are You Ready to Submit Your Application?](#)
 - [Other Helpful Information](#)
- 2. Site Information**
 - [Overview](#)
 - [Determine Your Property's Zone](#)
 - [Permit Records and Mapping](#)
 - [Submittal Requirements](#)
 - [Virtual DPI](#)
- 3. Discretionary Review**
 - [Overview](#)
 - [Key Areas](#)
 - [Project Submittal Requirements](#)

Two Types of Approvals

Ministerial: Administrative decisions by staff (building permits, right-of-way permits, etc.)

Discretionary: Approval or Denial by a Decision Maker after public notice and/or public hearing (subdivisions, Coastal & Site Development Permits, etc.)

“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**
- **Little or no personal/subjective judgment**
- **Use of fixed standards or objective measurements**
- **No public notice, appeal process or CPG input**
- **Construction permits issued based on Code**
- **“By Right” permits**

Discretionary Approvals

- **Exercise of judgment/deliberation**
- **Decision Maker uses discretion to approve or deny**
- **Findings must be made to support the decision**
- **Requires public notice, decision may be appealed**
- **CPG recommendation required**
- **Not a Building Permit; plans are conceptual**
- **Type of approvals required based on project scope and location**



Samples of Discretionary Approvals

Approval

Basis

Coastal Development Permit:	Coastal Zone development
Tentative Map:	To subdivide property
Rezone/Plan Amendment:	To change allowed land uses
Planned Development Permit:	Allow zone flexibility/deviations
Conditional Use Permit:	To allow uses conditionally
Variance:	Relief from regulations when warranted
Site Development Permit:	Impacts to environmentally lands, or surrounding areas, CPIOZ's

FINDINGS

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.

(Land Development Code)

The result of a judicial examination or inquiry - the results of an investigation

(Merriam Webster)

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.**

IMPORTANCE OF FINDINGS

- Findings are located in the permit Resolution(s)
- Legal basis for decision makers approval or denial
- Findings are subjective (discretionary)
- Relating your recommendations/conditions to the Findings give your issues weight

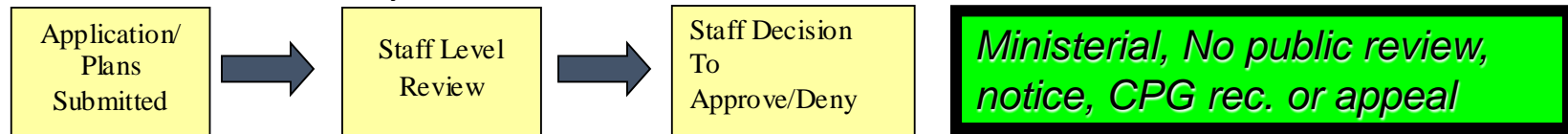
Decision Process Levels

- **Process 1 – City Staff Decision**
 - Ministerial, no appeal process (i.e. Building Permits)
- **Process 2 – City Staff Decision**
 - Appealable to Planning Commission
- **Process 3 – Hearing Officer Decision**
 - Appealable to Planning Commission
- **Process 4 – Planning Commission Decision**
 - Appealable to City Council
- **Process 5 – City Council Decision**
 - No Appeal Process, Final Decision

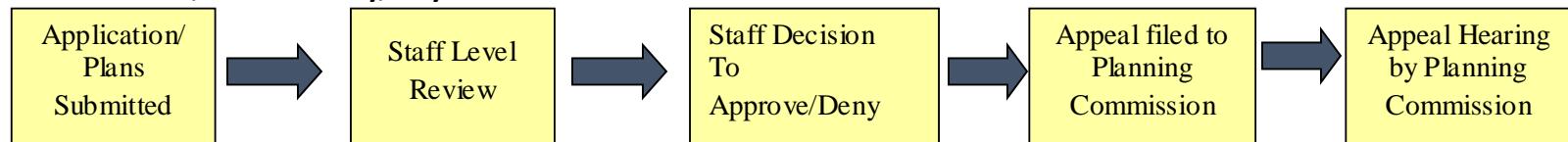
*** Processes 2-5 are Discretionary ***

Decision Processes

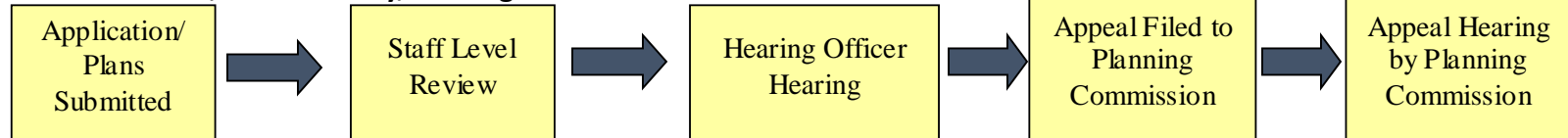
PROCESS ONE, Ministerial, City Staff



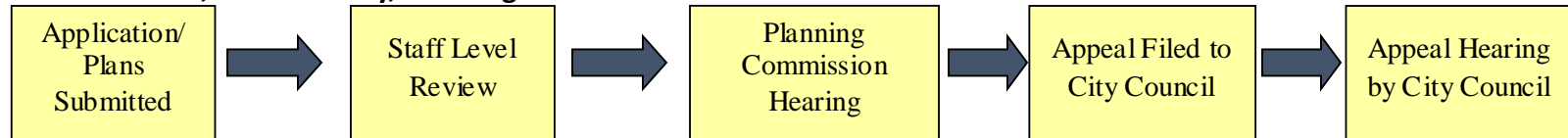
PROCESS TWO, Discretionary, City Staff



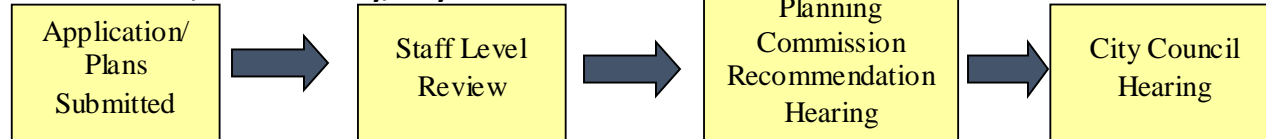
PROCESS THREE, Discretionary, Hearing Officer



PROCESS FOUR, Discretionary, Planning Commission

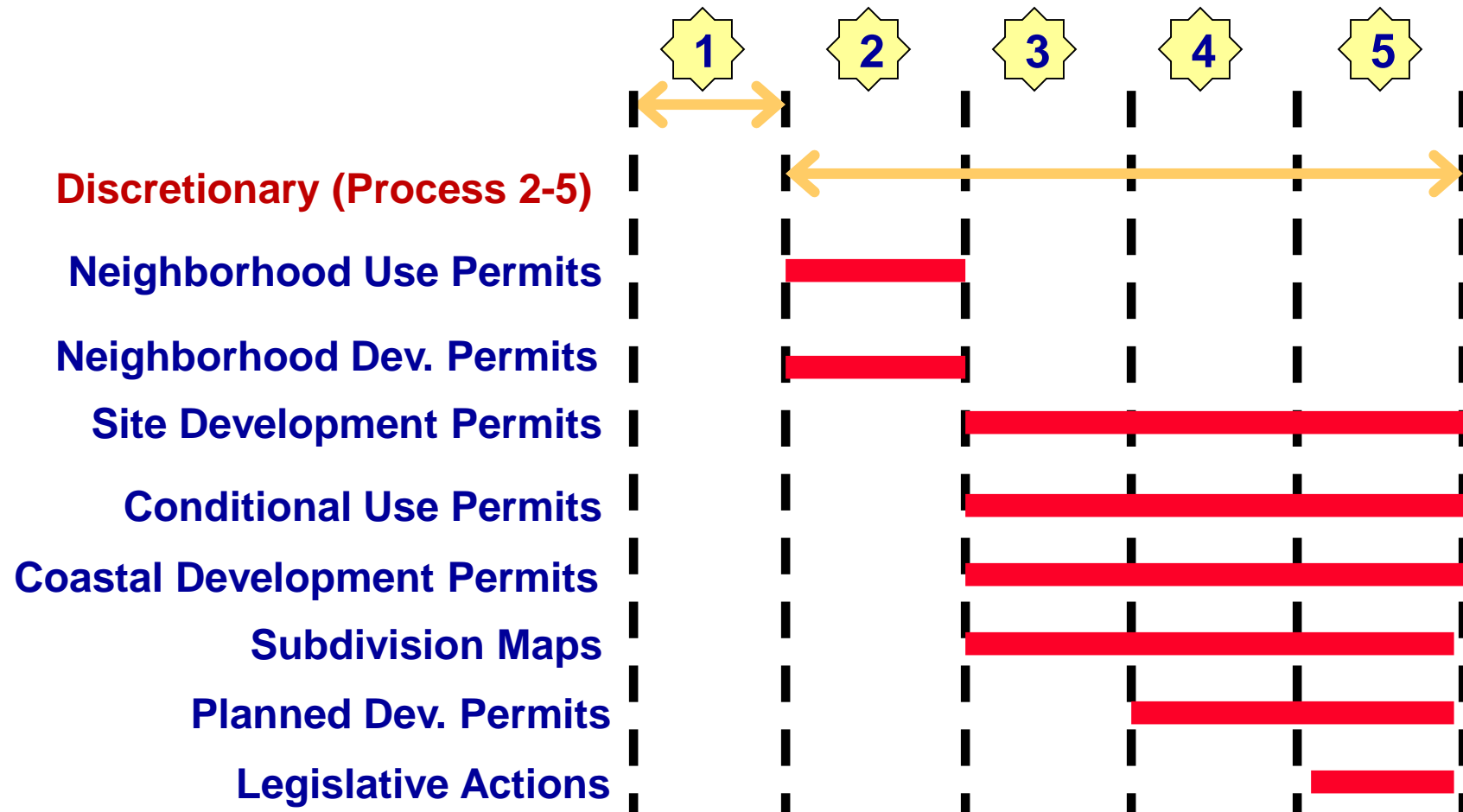


PROCESS FIVE, Discretionary, City Council

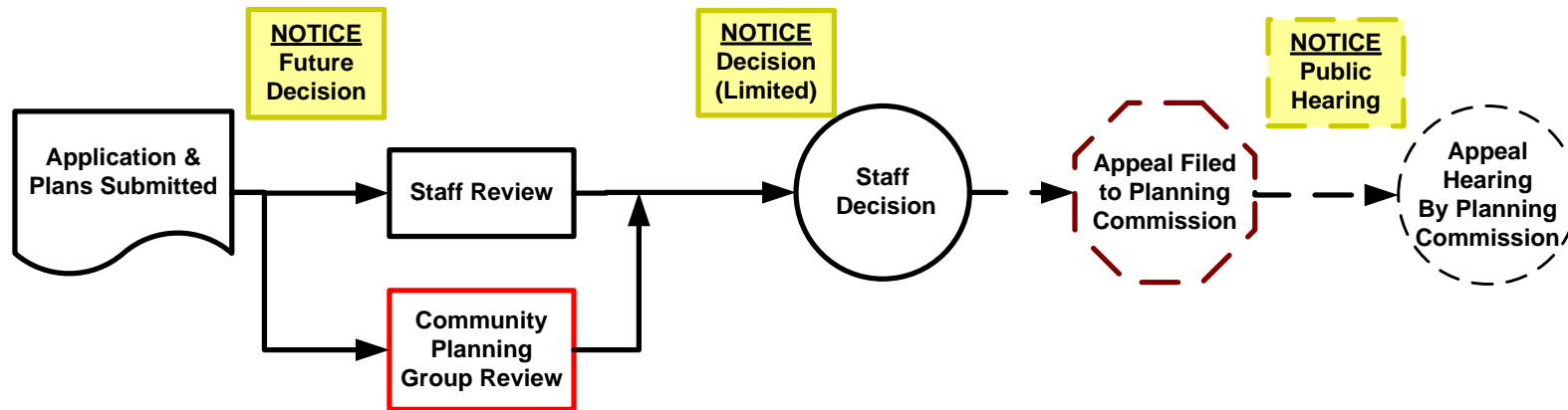


Approval Types

Decision Process



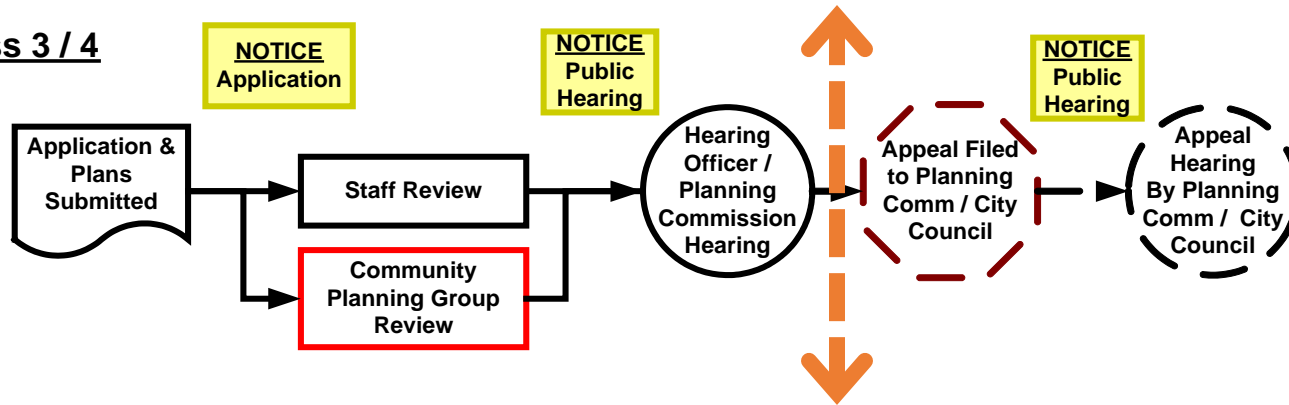
Process 2



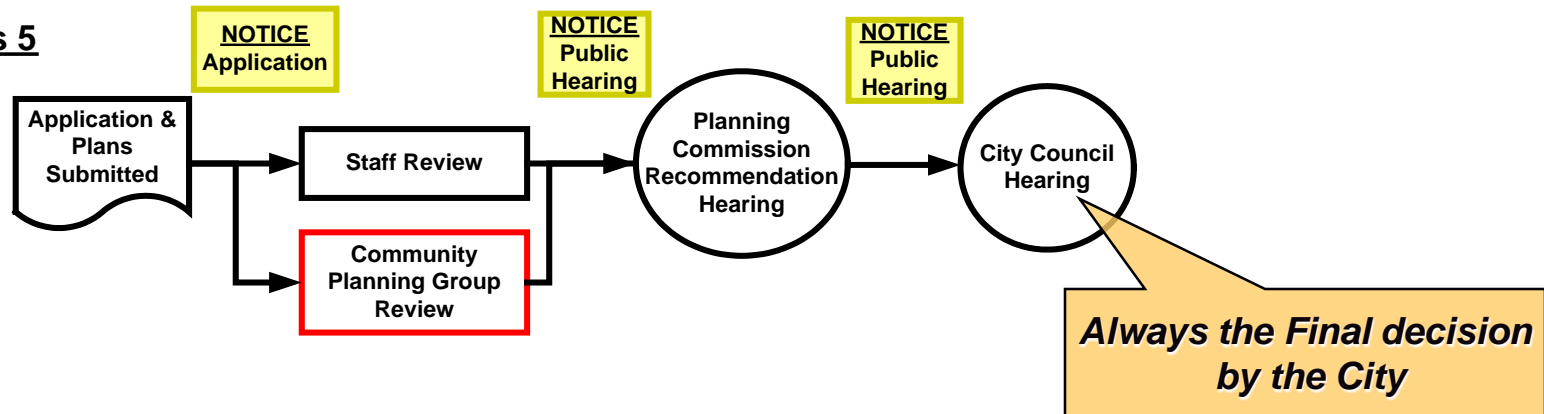
Notice of Future Decision – CPG has right to request 20 business day extension. Per SDMC Section, 112.0503(b)

Process 3,4 & 5

Process 3 / 4

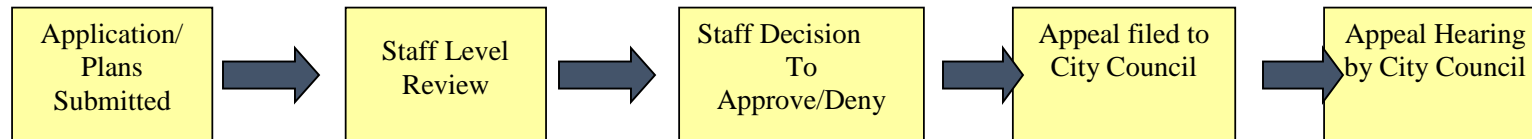


Process 5



CIP Decision Processes

PROCESS TWO - CIP

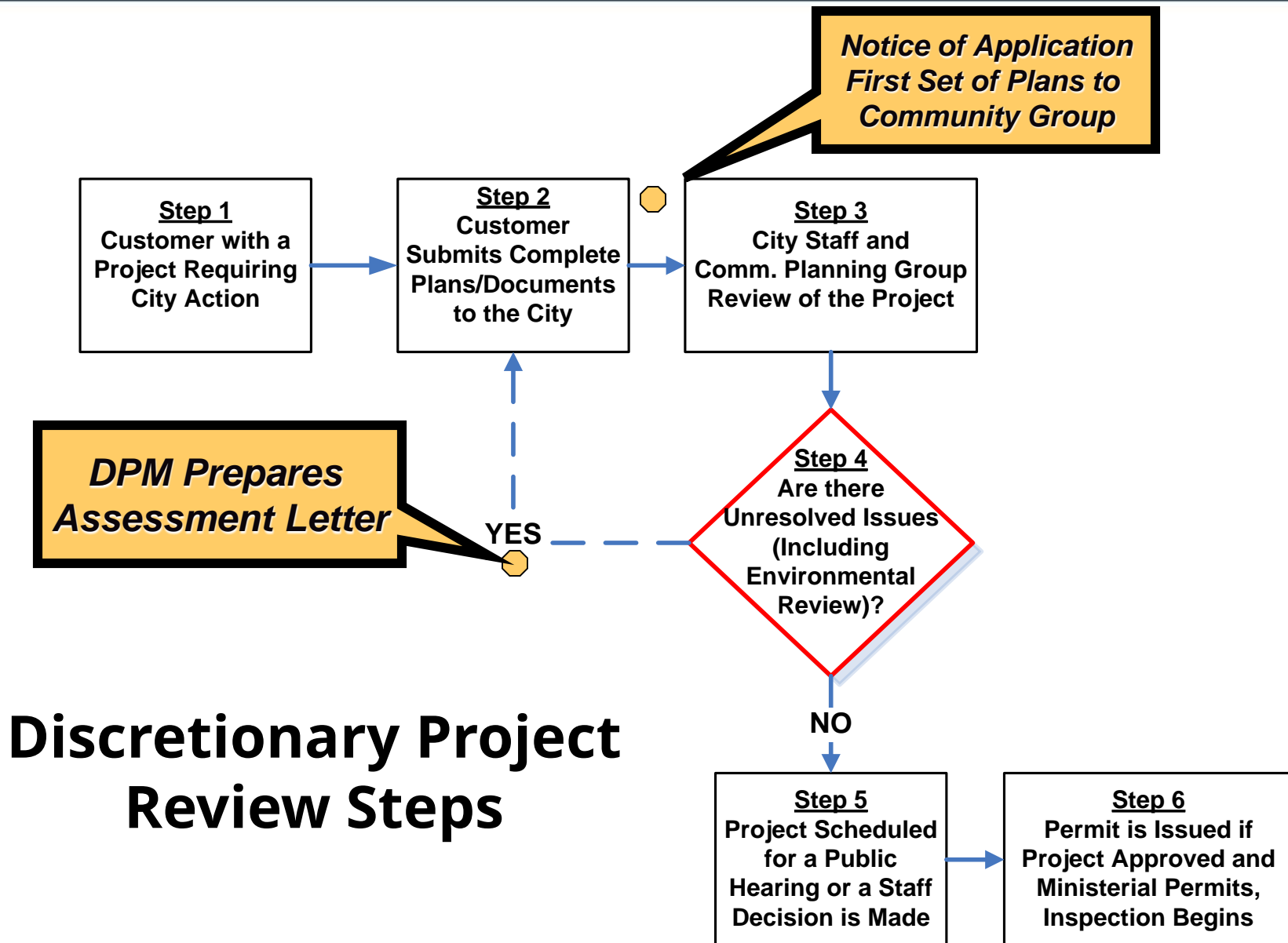


PROCESS FIVE - CIP



Development Project Managers

- **All Discretionary projects require a DPM**
- **DPM manages the multi-discipline project review**
- **Serves as the project's single point of contact**
- **Prepares assessment letters, staff reports, permits, findings & required approval documents**
- **Presents the project at public hearings**
- **Advocates for the 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**

Assessment Letters

- **AL prepared by City Project Manager**
- **Valuable tool for applicant and CPG**
- **Outlines project issues, required permits, process level, next steps, resubmittal instructions**
- **CPG Chair receives copies of all AL's**
- **AL available approx. 5 weeks after 1st submittal**
- **AL prepared for each subsequent review**
- **Most CPGs won't hear projects before 1st AL**

Permit Noticing

- **Types of Notices:**
 - Notice of Future Decision – Process 2
 - Notice of Decision – Process 2
 - Notice of Application – Process 3, 4 & 5
 - Notice of Public Hearing - Process 2, 3, 4, 5
- **Notices mailed to Chairperson of CPG**
- **Owners/Occupants in 300' of project site**



Notices – Process 2



THE CITY OF SAN DIEGO

DATE OF NOTICE: February 27, 2017

NOTICE OF FUTURE DECISION DEVELOPMENT SERVICES DEPARTMENT

As a property owner, tenant, or person who has requested notice, you should know that the Development Services Department Staff will make a decision to approve, conditionally approve, modify or deny an application for a (Process 2) Extension of Time for Planned Development Permit #1220671/Neighborhood Use Permit #1220670 (PTS#331379) for a wireless facility with 12 panel antennas located within 2 rooftop screen enclosures. The project is located at 3006 Upas Street within the North Park Community Plan and Council District 3.

PROJECT NO: 536369
PROJECT NAME: AT&T NORTH PARKER EOT
PROJECT TYPE: EXTENSION OF TIME FOR PLANNED DEVELOPMENT PERMIT AND NEIGHBORHOOD USE PERMIT, PROCESS TWO
APPLICANT: MORGAN NORVILLE
COMMUNITY PLAN AREA: NORTH PARK
COUNCIL DISTRICT: 3
CITY PROJECT MANAGER: Travis Cleveland, Development Project Manager
PHONE NUMBER/E-MAIL: (619) 446-5407/ TCleveland@sandiego.gov

The decision by City staff will be made **without** a public hearing no less than thirty (30) calendar days after the date of mailing the Notice of Future Decision. If you want to receive a "Notice of Decision", you must submit a written request to the City Project Manager listed above no later than ten (10) business days from the mailing date of this Notice. This project is undergoing environmental review.

The decision of the Development Services Department Staff can be appealed to the **City Council**. An appeal must be made within **twelve (12) business days** after the decision date. Appeal Applications are located at the office of the City Clerk, 202 "C" Street, 2nd Floor, San Diego, CA 92101.

Please note that Community Planning Groups provide citizens with an opportunity for involvement in advising the City on land use matters. Community Planning Group recommendations are integral components of the project review process. You may contact Vicki Granowitz, Chair of the North Park Planning Committee, at (619) 584-1203 to inquire about the community planning group meeting dates, times, and location for community review of this project.

If you have any questions about the project after reviewing this information, you may contact the City Project Manager listed above. This information will be made available in alternative formats upon request.

Internal Order No.: 11003679



THE CITY OF SAN DIEGO

DATE OF NOTICE: April 5, 2017

NOTICE OF DECISION DEVELOPMENT SERVICES DEPARTMENT

PROJECT NO: 536369
PROJECT NAME: AT&T NORTH PARKER EOT
PROJECT TYPE: EXTENSION OF TIME FOR PLANNED DEVELOPMENT PERMIT AND NEIGHBORHOOD USE PERMIT, PROCESS TWO
APPLICANT: MORGAN NORVILLE
COMMUNITY PLAN AREA: NORTH PARK
COUNCIL DISTRICT: 3
CITY PROJECT MANAGER: Travis Cleveland, Development Project Manager
PHONE NUMBER/E-MAIL: (619) 446-5407/ TCleveland@sandiego.gov

On April 5, 2017, Development Services Department **APPROVED** an application for a Process Two Extension of Time for Planned Development Permit #1220671/Neighborhood Use Permit #1220670 (PTS#331379) for a wireless facility with 12 panel antennas located within 2 rooftop screen enclosures. The project is located at 3006 Upas Street within the North Park Community Plan and Council District 3.

If you have any questions about this project, the decision, or wish to receive a copy of the resolution approving or denying the project, contact the City Project Manager above.

The decision by staff can be appealed to the City Council no later than **twelve (12) business days** of the decision date. See Information Bulletin 505 "Appeal Procedure", available at www.sandiego.gov/development-services or in person at the City Clerk's office, located at 202 "C" Street, 2nd Floor, San Diego, CA 92101. Please **do not e-mail your appeal** as it will not be accepted. The decision of the City Council is final.

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

Internal Order No.: 11003679

cc: Chair of CPG

HMD 1-25-17



Notices – Process 3-5



THE CITY OF SAN DIEGO

DATE OF NOTICE: March 6, 2017

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 Process 4 Planned Development Permit to allow continued use of previously permitted lattice tower Wireless Communication Facility with twelve antennas, 24 Remote Radio Units (RRUs), and associated equipment. The project is located at 7480 Convo Court, IL-2-1, FAA Part 77 Noticing Area, Airport (Miramar, Montgomery Field).

PROJECT NO: 522120
PROJECT NAME: AT&T RUFFNER
PROJECT TYPE: PLANNED DEVELOPMENT PERMIT, PROCESS 4
APPLICANT: JAMO STEPHENSON
COMMUNITY PLAN AREA: KEARNY MESA
COUNCIL DISTRICT: 6
CITY PROJECT MANAGER: Travis Cleveland, Development Project Manager
PHONE NUMBER/E-MAIL: (619) 446-5407 / TCleveland@sanidiego.gov

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. This project is undergoing environmental review.

Please note that Community Planning Groups provide citizens with an opportunity for involvement in advising the City on land use matters. Community Planning Group recommendations are integral components of the project review process. You may contact Jeffrey Sallen, Chair of the Kearny Mesa Planning Group at (858) 546-5443 to inquire about the community planning group meeting dates, times, and location for community review of this project.

If you have any questions about the project after reviewing this information, you may contact the City Project Manager listed above.

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

Internal Order No.: 11003679



THE CITY OF SAN DIEGO

DATE OF NOTICE: May 17, 2017

NOTICE OF PUBLIC HEARING PLANNING COMMISSION

DATE OF HEARING: June 1, 2017
TIME OF HEARING: 9:00 A.M.
LOCATION OF HEARING: Council Chambers, 12th Floor, City Administration Building,
202 C Street, San Diego, California 92101
PROJECT NO: 522120
PROJECT TYPE: Planned Development Permit and CEQA Exemption, Process Four
PROJECT NAME: AT&T Ruffner
APPLICANT: Jamo Stephenson, Depratti, Inc.
COMMUNITY PLAN AREA: Kearny Mesa
COUNCIL DISTRICT: 6
CITY PROJECT MANAGER: Travis Cleveland, Development Project Manager
PHONE NUMBER/E-MAIL: (619) 446-5407 / TCleveland@sanidiego.gov

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 Process 4 Planned Development Permit to allow continued use of previously permitted lattice tower Wireless Communication Facility with twelve antennas, 24 Remote Radio Units (RRUs), and associated equipment. The project is located at 7480 Convo Court, IL-2-1, FAA Part 77 Noticing Area, Airport (Miramar, Montgomery Field).

The decision of the Planning Commission is final unless appealed to the City Council. In order to appeal the decision of the Planning Commission you must be present at the public hearing and file a speaker slip concerning the application or have expressed interest by writing to the Planning Commission before the close of the public hearing. Please do not e-mail appeals as they will not be accepted. See Information Bulletin 505 "Appeal Procedure", available at www.sandiego.gov/development-services or in person at the Development Services Department, located at 1222 First Avenue, 3rd Floor, San Diego, CA 92101. The appeal must be made within 10 business days of the Planning Commission decision. If you wish to challenge the City's action on the above proceedings in court, you may be limited to addressing only those issues you or someone else have raised at the public hearing described in this notice, or written in correspondence to the City at or before the public hearing.

This project was determined to be categorically exempt from CEQA per Article 19, Section 15301 (Existing Facilities) of the CEQA State Guidelines (Attachment 8). The environmental exemption determination for this project was made on April 10, 2017, and the opportunity to appeal that determination ended April 24, 2017.

Permit Noticing

- **Notices are available on the City's website:**
<http://www.sandiego.gov/city-clerk/officialdocs/notices/index.shtml>
- **Notices published in the San Diego Daily Transcript:**
<http://www.sddt.com/PublicNotices/>
 - **Public Hearing Notices**

Tips for Successful CPG Review


- **Focus on conformity with the Community Plan**
- **Frame issues within the permit findings**
- **Take formal action (avoid continuances)**
- **Project review should be timely**
- **Communicate with City Project Manager**
- **Approve meeting minutes as soon as possible**

CPG Recommendations

- **Include actual vote count**
- **Provide enforceable conditions that have a nexus and a trigger (i.e. prior to Building Permit)**
- **If denied, provide backup documentation**
- **State why project would adversely effect the community plan, relate to findings**
- **Relate to community plan elements & goals**
- **Email recommendation to DPM**
- **Written recommendation is your primary tool**

Hearing Staff Reports

CPG Recommendation


THE CITY OF SAN DIEGO
Report to the Planning Commission

DATE: May 25, 2017 REPORT NO. PC-17-041
HEARING: June 1, 2017
SUBJECT: AT&T RUFFNER, Process Four Decision
PROJECT NO. [522120](#)
OWNER/APPLICANT: LGTE MOBILENET/AT&T MOBILITY

SUMMARY:

Issue: Should the Planning Commission approve a new permit for a Wireless Communication Facility (WCF) located at 7480 Convo Court in the Kearny Mesa Community Planning Area?

Staff Recommendation: APPROVE Planned Development Permit (PDP) No. 1956452.

Community Planning Group Recommendation: On March 15, 2017 the Kearny Mesa Community Planning Group voted 10-0-0 to approve the project with no conditions (Attachment 10).

Environmental Review: This project was determined to be categorically exempt from CEQA per Article 19, Section 15301 (Existing Facilities) of the CEQA State Guidelines (Attachment 8). This project is not pending an appeal of the Environmental Determination. The environmental exemption determination for this project was made on April 10, 2017, and the opportunity to appeal that determination ended April 24, 2017.

Fiscal Impact Statement: Costs to review this project are paid for by application fees.

BACKGROUND

AT&T Ruffner is an application for a new permit for an existing, expired WCF at 7480 Convo Court. It is located in the IL-2-1 zone, which provides for light industrial and office uses with limited commercial. The project is also within the Kearny Mesa Community Plan, which designates the site for industrial and business parks. Surrounding uses in all directions are light industrial in nature.

The existing lattice tower was first permitted in 1994. It was re-permitted in 2006 as a Conditional Use Permit with a ten-year term. This permit expired on November 22, 2016. The current project

- 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

Hearing Staff Reports

- **Hearing Staff Reports available on-line**
- **Hearing Officer:**
<http://www.sandiego.gov/development-services/industry/hearingofficer/reports/index.shtml>
- **Planning Commission:**
<http://www.sandiego.gov/planning-commission/documents/pcreports/index.shtml>
- **City Council:**
<http://www.sandiego.gov/city-clerk/index.shtml>

Appealing Project Decisions

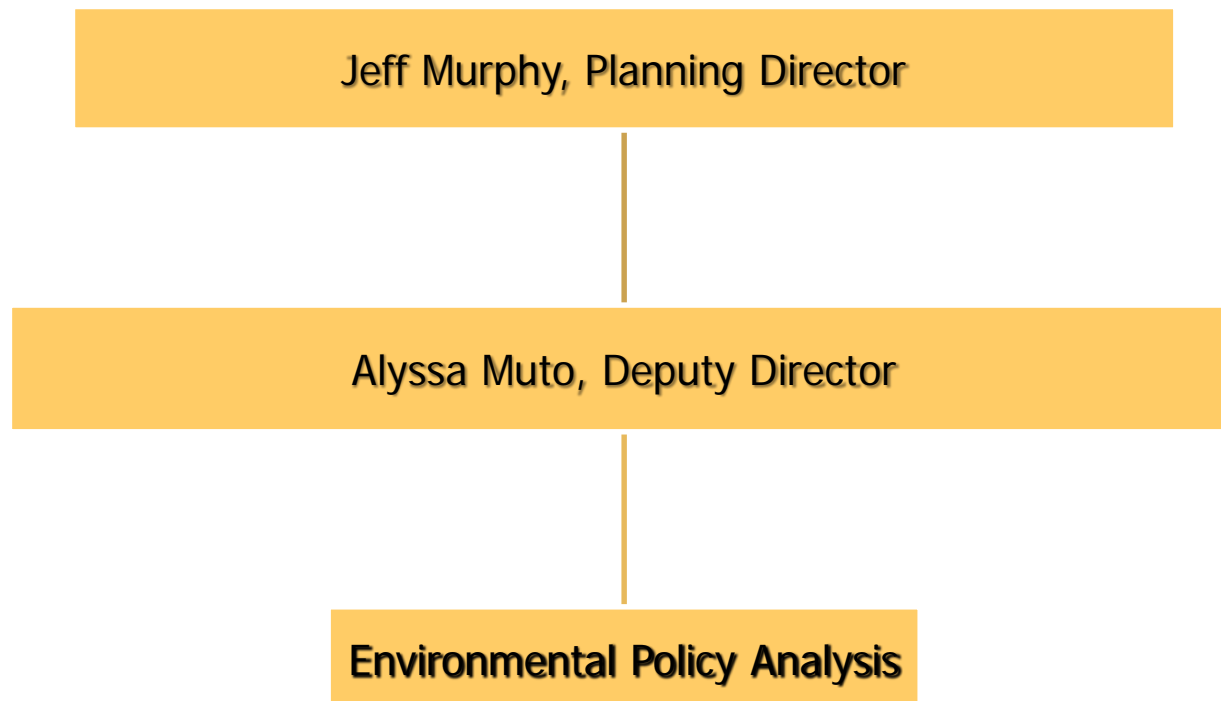
- Information Bulletin No. 505, “Appeal Procedure”
<http://www.sandiego.gov/development-services/pdf/industry/infobulletin/ib505.pdf>
- If appealing a project as CPG chairperson, appeal basis must be consistent with community group vote and the \$100 appeal fee will be waived.
- Appeal application must be complete and submitted in a timely manner.
- Be as specific as possible, individually list appeal points to provide a clear basis. Use Findings!

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



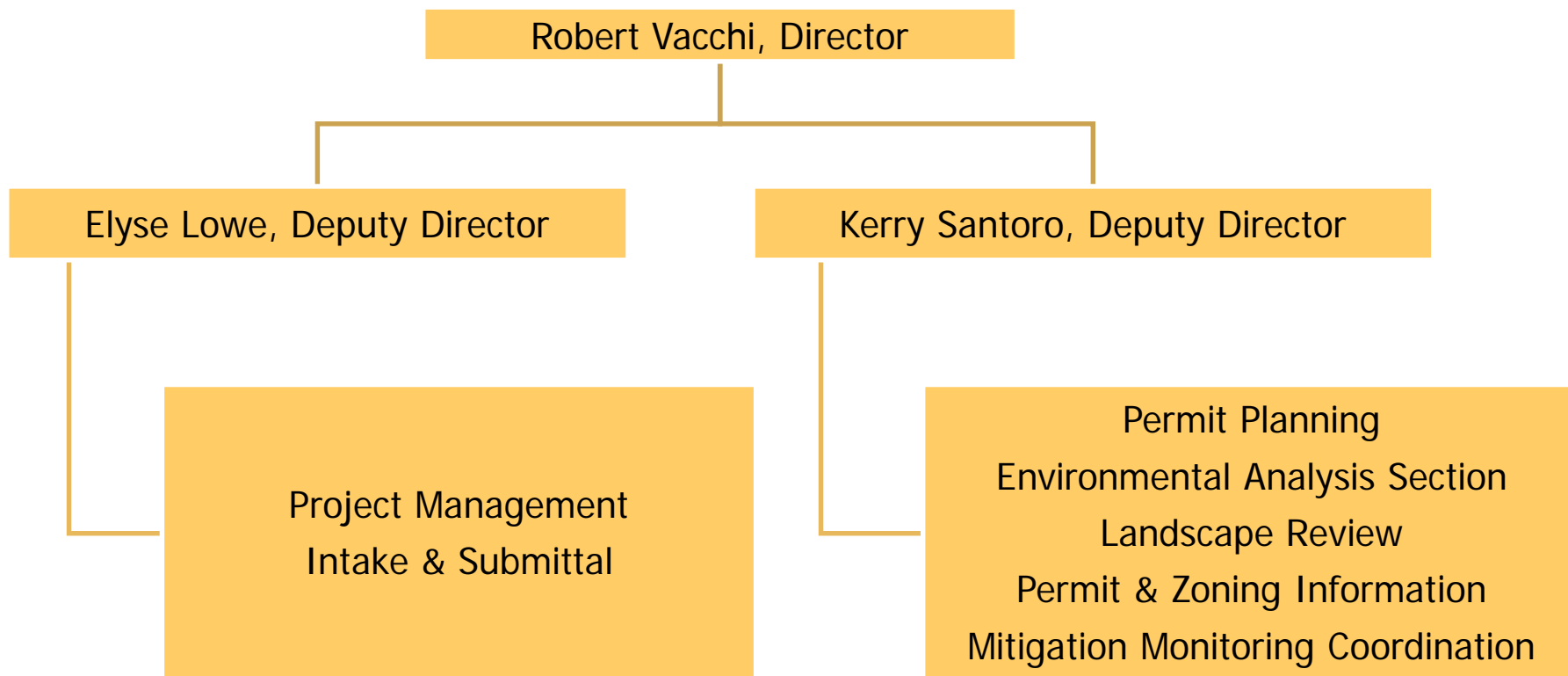
Planning Department Organizational Chart

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



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



- “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 ?



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



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, the Environmental Analysis Section (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.

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 if 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

Evaluation Guidelines

- CEQA Statutes and Guidelines
- Biology Guidelines
- Historical Resources Guidelines
- Community Plans
- Land Development Code
- Technical Reports
- Significance Thresholds

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

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

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.

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

Subsequent Documents

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

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

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

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

CEQA Alternatives

- **No Project Alternative**
- **Alternatives Considered but Rejected**
- **Environmentally Superior Alternative**

Public Review



- 45 calendar-days
- Staff responds to public comments. Environmental document is revised if necessary.
- Final document typically distributed 14 days before first public hearing

Project Decision



- Certify/Adopt environmental document
- Approve project
- Notice of Determination (NOD) filed; sets limits on legal challenges



Environmental Appeals Regulations

Environmental Appeals Regulations - Why?


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

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

NOT Required:

- “Not a Project”
- Consistency (15162) Determinations

Environmental Notice of Right to Appeal


THE CITY OF SAN DIEGO

DATE OF NOTICE: April 3, 2017

NOTICE OF RIGHT TO APPEAL
ENVIRONMENTAL DETERMINATION
DEVELOPMENT SERVICES DEPARTMENT
SAP No. 24006369

PROJECT NO: 432759
PROJECT NAME: WASHINGTON PLACE NDP
COMMUNITY PLAN AREA: Uptown
COUNCIL DISTRICT: 3
LOCATION: 1826 & 1836 Washington Place (APN: 431-631-01 and -02) San Diego, CA 92103

PROJECT DESCRIPTION:

NEIGHBORHOOD DEVELOPMENT PERMIT (PROCESS 2) for the construction of a 7,231 sq. ft., two-story over basement single family residence, inclusive of a four car garage, patio, and retaining walls, on a 13,504 sq. ft. site parcel. The site is located at on the western side of Washington Place, between Portola Place and Pringle Street, specifically at 1826 & 1836 Washington Place (APN: 431-631-01 and -02) San Diego, CA 92103.

The parcel is designated Low Density Residential (5 – 9 dwelling units per acre) and Open-Space, and Recreation, Zoned - Residential Single-Family (RS-1-1 & RS-1-7), within the Uptown Community Plan. Additionally, the project site is within Airport Influence Area (AIA) Review Area 2 for the San Diego International Airport (SDIA) as depicted in the adopted 2014 Airport Land Use Compatibility Plan (ALUCP) and the Federal Aviation Administration (FAA) Part 77 Notification Area, Brush Management Zones 1 and 2, Environmentally Sensitive Lands (ESL), and Council District 3. The parcel is situated in a neighborhood setting of similar uses (residential development). The site is bounded by Washington Street to the east, Banker's Hill Open Space Trail Park to the west, an existing residence to the south, and an existing residence to the north. In addition, the project site is located in a developed area currently served by existing public services and utilities. (LEGAL DESCRIPTION: Lots 95 and 96 of Mission Hills, City of San Diego, County of San Diego, State of California, According to Map thereof Mo. 1115, filed in the Office of the County Recorder of San Diego County) **The site is not included on any Government Code listing of hazardous waste sites.**

ENTITY CONSIDERING PROJECT APPROVAL: City of San Diego, Development Services Department (Process 2)

ENVIRONMENTAL DETERMINATION: The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the following

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



CEQA Statutes, Guidelines and Cases

<http://resources.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

<https://www.sandiego.gov/sites/default/files/legacy/development-services/pdf/news/sdtceqa.pdf>

Contacting Us

- Project Management (619) 446-5220
- Community Planning (619) 235-5200
- Development & Permit Information (619) 446-5000
- Code Enforcement (619) 236-5500
- General Information (619) 446-5000
- Internet: www.sandiego.gov



Thank you for your
participation!

ANY QUESTIONS?

