

Development Review Process Workshop

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# Development Review Process: Discretionary Permits and CEQA

May 21, 2016

## Presenters:

Kerry Santoro, Deputy Director, [ksantoro@san diego.gov](mailto:ksantoro@san diego.gov)

Morris Dye, Development Project Manager, [mdye@san diego.gov](mailto:mdye@san diego.gov)



## Presentation Overview

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



# Development Review Process Workshop

## Development Services Main Webpage

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

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**Development Services Department**

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**PROFESSIONAL CERTIFICATION**

San Diego is now second in the country for the most solar installations. Learn about our Professional Certification for Solar Photovoltaic Plan Review where eligible design professionals may obtain a permit for Roof Mounted Solar PV installations without plan review.

[Learn more about Professional Certification \(PDF\)](#)

**CONTACT INFORMATION**

Development Services Department  
1222 First Avenue, MS 301  
San Diego, CA 92101-4101  
[Business Hours](#)  
[Extended Services](#)  
[City Holidays](#)

[Information by Phone](#)

**Appointment Scheduling**  
Phone: (619) 446-5300  
[Limited Hours](#)

Email: [dsdweb@sandiego.gov](mailto:dsdweb@sandiego.gov)

**QUICK LINKS:** City of San Diego Municipal Code

**CODE ENFORCEMENT**

- SOLID WASTE LOCAL ENFORCEMENT AGENCY (LEA)
- LAND DEVELOPMENT CODE
- SIMPLEPERMITS (ON-LINE PERMITS)
- OUR CUSTOMER SERVICE COMMITMENT
- BRUSH MANAGEMENT GUIDE

**LATEST NEWS & UPDATES**

- 5/12/15 [Automated Meter Infrastructure Devices Within Water Meter Boxes \(PDF\)](#)
- 5/6/15 [Submittal Requirements Update - June 2015 \(PDF\)](#)
- 5/1/15 [FY 2016 Annual Adjustments to Impact Fees \(PDF\)](#)
- 4/29/15 [2013 MS4 Permit Storm Water Requirements Applicability \(PDF\)](#)
- 4/24/15 [Annual Beach Area Construction Moratorium - 2015 \(PDF\)](#)

[More News & Updates](#)

**MOST REQUESTED LINKS**

- [Zoning Grid Map](#)
- [Construction Permit Tips for Homeowners](#)
- [Staff Directories](#)
- [Codes, Regulations, Requirements](#)
- [Building Records Request](#)
- [Bulletins](#)
- [Forms](#)
- [Plan Cover Sheet Formats and Templates](#)
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## OpenDSD Webpage

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

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### OpenDSD

- [OpenDSD Home](#)

### OpenDSD

The City of San Diego is committed to serving the public and improving how information is provided to its citizens. For the first time, the City of San Diego's Development Services Department (DSD) is releasing to the public its Project Tracking System (PTS) in web-based format. PTS is an in-house software system used to both manage and track the City's land development permit processing functions. OpenDSD will now provide online access to permit data through internet browsers as well as to those who wish to query the permit data with software.

The scope of the data published exceeds that of any other city. The breadth of the release is intended to cover land development permit application, issuance, inspection, and completion. A variety of information including timelines, scope, decisions, and costs will all be provided online. In addition, [Code Enforcement](#) case activity is also provided. This data includes permit information dating back to 2003 as well as code enforcement cases since 2011. Personal identifying information such as phone numbers about individuals doing business with the City is not provided.

### 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.](#) (PDF)

[Approval Search](#) [Invoice Search](#) [Code Enforcement Case Search](#)

### Search by Map

This data is for current or recent activity. [See related map tips.](#) (PDF)

[Discretionary Approvals Map](#) [Ministerial Approvals Map](#) [Code Enforcement Case Map](#)

### FAQs

Frequently Asked Questions are available for the following data sets.

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

If those do not cover your question, please email us at: [dsdprojectinfo@sandiego.gov](mailto:dsdprojectinfo@sandiego.gov).

### Permit Activity

- [PDF Reports](#)

### Other Resources

- [Information for Software Developers](#)



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## Development Process Webpage

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

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[Development Services Home](#) • [Development Process: Step-by-Step](#)

## Development Process: Step-by-Step

- Development Process: Step-by-Step Home
- [1. Define Project](#)
- [2. Site Information](#)
- [3. Discretionary Review](#)
- [4. Plan Review](#)
- [5. Permits & Approvals](#)
- [6. Inspection](#)
- [7. Occupancy](#)
- [Floor Plans](#)
- [Frequently Asked Questions \(FAQs\)](#)
- [More Useful Resources](#)
- [Time and Costs](#)

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

```
graph LR; A[1. DEFINE PROJECT  
Does your project need a permit?] --> B[2. SITE INFORMATION  
Are there site constraints on your project?]; B --> C[3. DISCRETIONARY REVIEW  
Does your project require special approvals?]; C --> D[4. PLAN REVIEW  
Does your project comply with building and land development codes?]; D --> E[5. PERMITS & APPROVALS  
Do you have everything you need to obtain your permits & approvals?]; E --> F[6. INSPECTION  
Are you ready for an inspection?]; F --> G[7. OCCUPANCY  
Is your project complete?];
```

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## Two Types of Approvals

**Ministerial: Administrative decisions by staff  
(e.g. building permits)**

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





## “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



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## Samples of Discretionary Approvals

### Approval

### Basis

Coastal Development Permit:	Coastal Zone development
Tentative Map:	To subdivide property
Rezone/Plan Amendment:	To change 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



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## 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



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## 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 \***

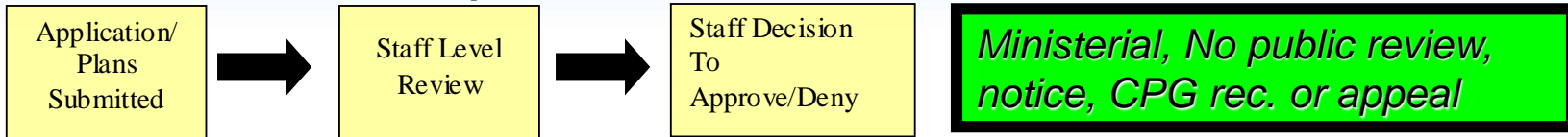




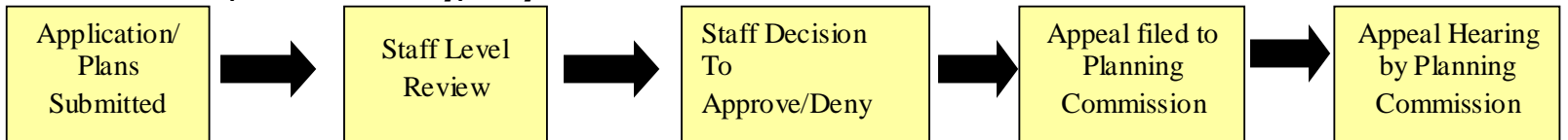
# Development Review Process Workshop

## Decision Processes

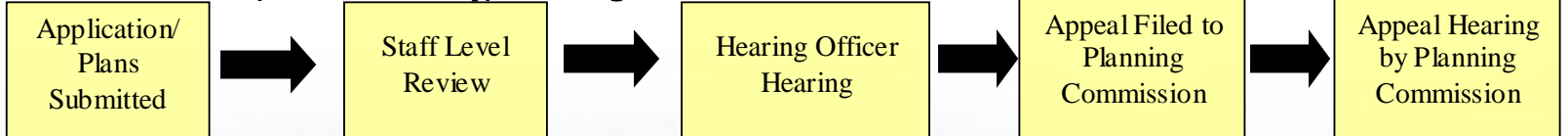
### PROCESS ONE, Ministerial, City Staff



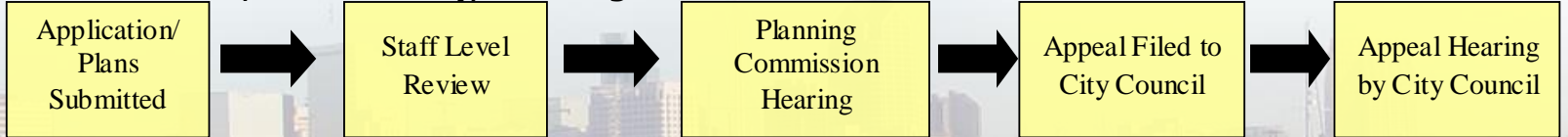
### PROCESS TWO, Discretionary, City Staff



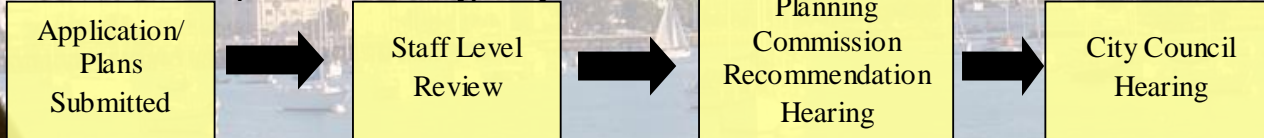
### PROCESS THREE, Discretionary, Hearing Officer



### PROCESS FOUR, Discretionary, Planning Commission



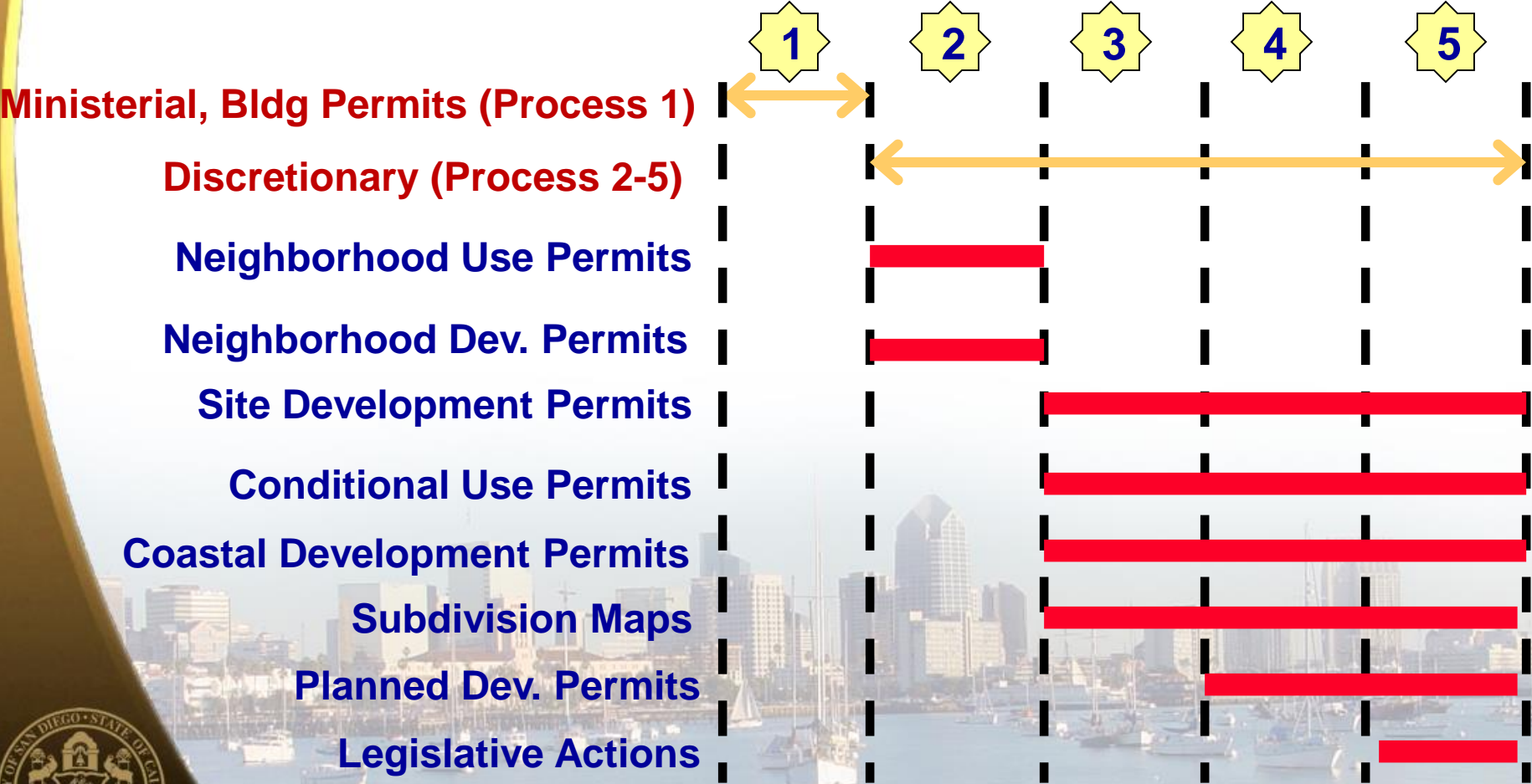
### PROCESS FIVE, Discretionary, City Council



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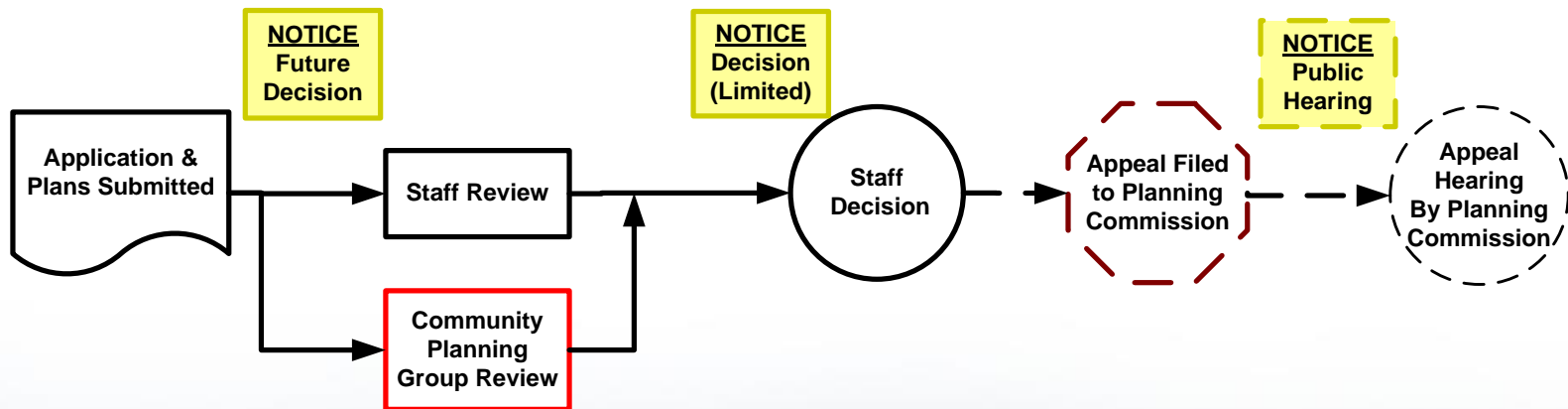
## Approval Types

## Decision Process



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## Process 2



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

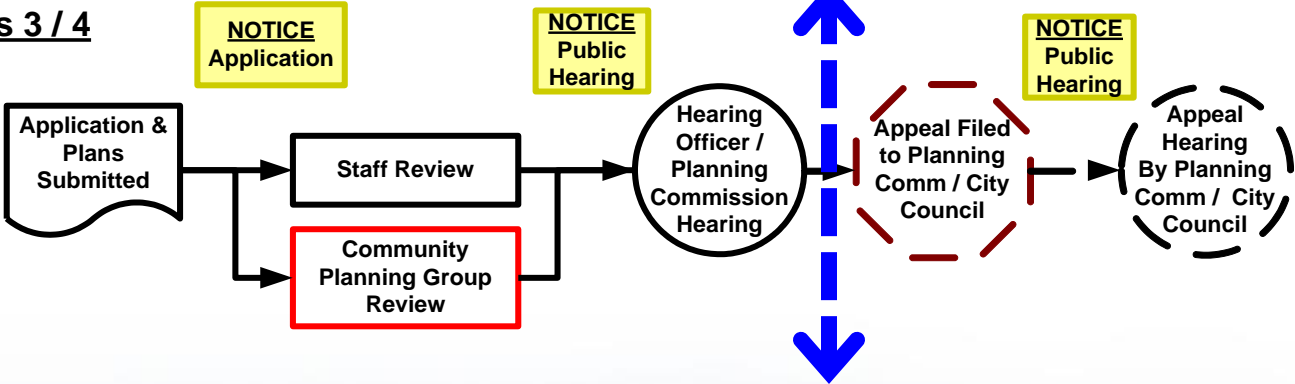




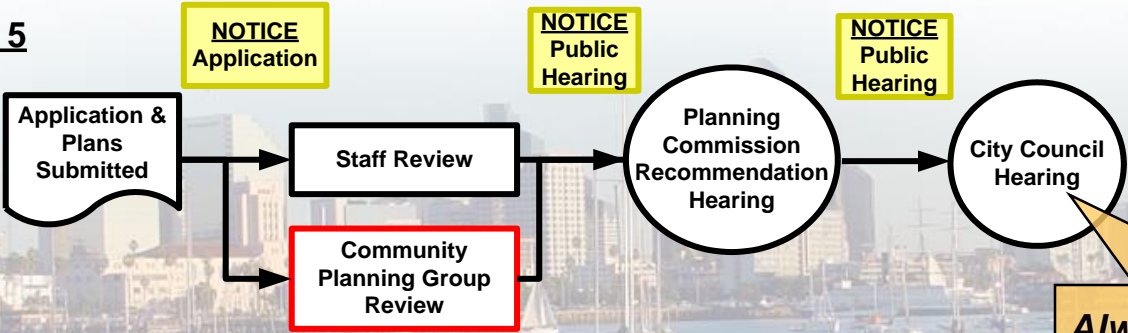
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## Process 3,4 & 5

### Process 3 / 4



### Process 5



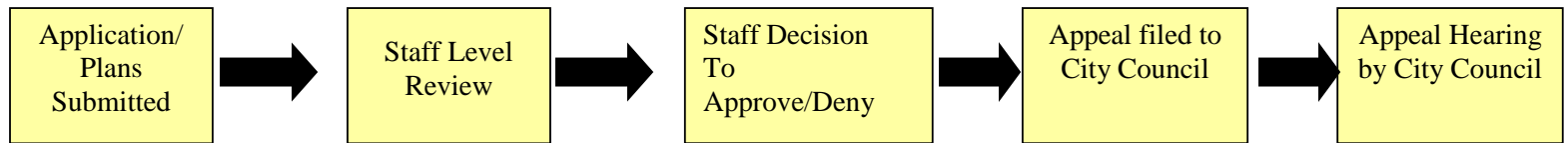
*Always the Final decision by the City*



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## CIP Decision Processes

### PROCESS TWO - CIP



### PROCESS FIVE - CIP

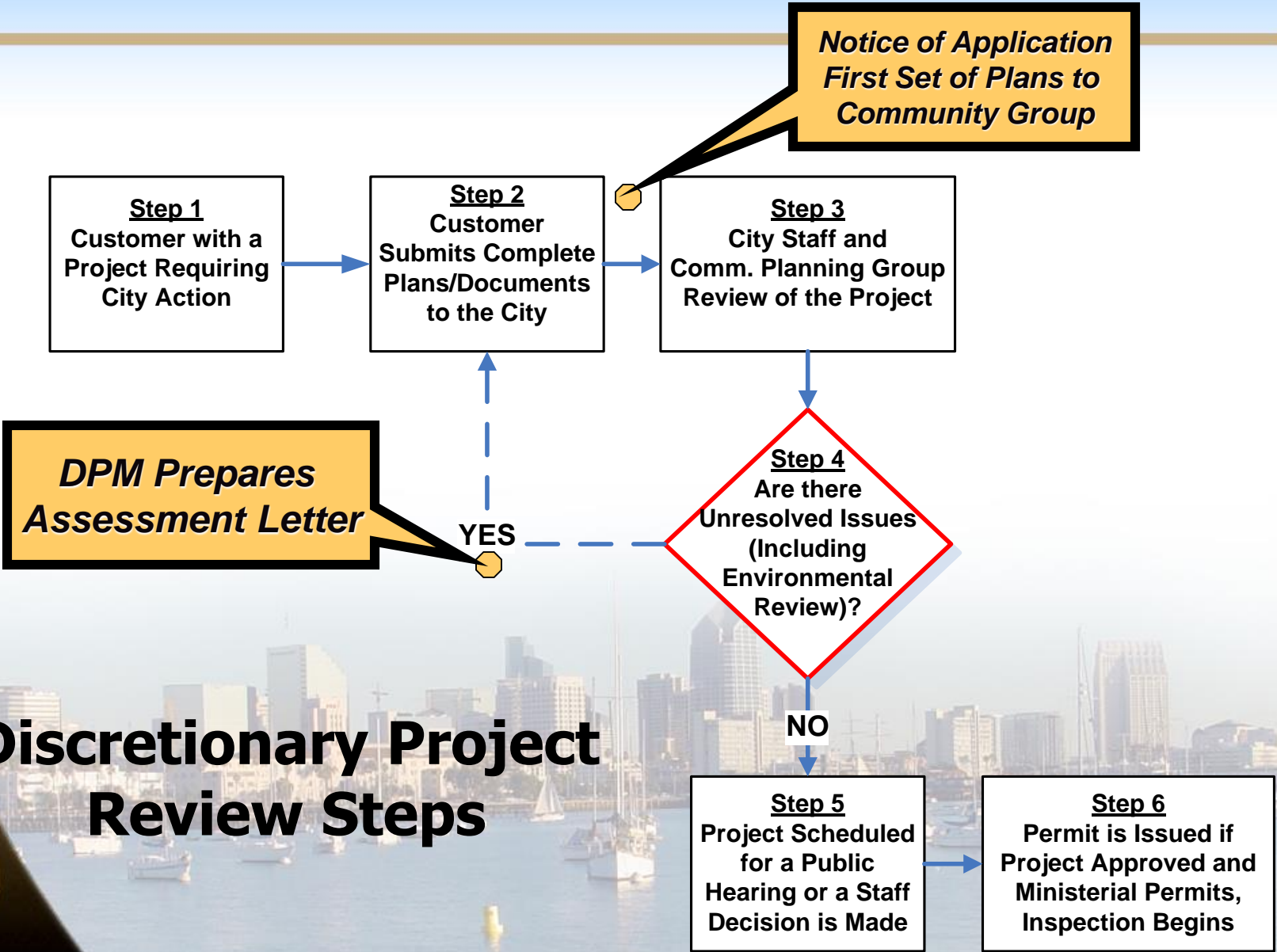


# Development Project Managers

- 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



# Development Review Process Workshop





## 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 1<sup>st</sup> submittal
- AL prepared for each subsequent review
- Most CPGs won't hear projects before 1<sup>st</sup> 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**



# Development Review Process Workshop

## Notices – Process 2



THE CITY OF SAN DIEGO

DATE OF NOTICE: February 20, 2014

### NOTICE OF FUTURE DECISION

DEVELOPMENT SERVICES DEPARTMENT

As a property owner, tenant, or person who has requested notice, you should know the Development Services Department Staff will make a decision to approve, conditionally approve, modify or deny an application for a (Process 2) Neighborhood Development Permit for Environmentally Sensitive Lands to construct a first floor addition to an existing garage and an approximately 700-square-foot companion unit above the garage, on a 0.26-acre site improved with an existing single-family residence. The site is located at 1243 Cypress Court in the RS-1-7 Zone, within the Uptown Community Plan area and Council District 3.

PROJECT TYPE: NEIGHBORHOOD DEVELOPMENT PERMIT (NDP)  
PROJECT NUMBER: 354094  
PROJECT NAME: RAGLAND COMPANION UNIT NDP  
APPLICANT: GARY TAYLOR

COMMUNITY PLAN AREA: UPTOWN  
COUNCIL DISTRICT: 3  
CITY PROJECT MANAGER: Michelle Sokolowski  
MAILING ADDRESS: 1222 First Ave., MS 501, San Diego, CA 92101-4155  
PHONE NUMBER/E-MAIL: (619) 446-5278/ [msokolowski@sanidiego.gov](mailto:msokolowski@sanidiego.gov)

The decision by City staff will be made without a public hearing no less than *eleven (11)* business 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 the Notice.

This project is undergoing environmental review.

You may contact Leo Wilson, Chair of the Uptown Planners at (619) 231-4495 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 Number: 24004335



THE CITY OF SAN DIEGO

Date of Notice: April 1, 2015

### NOTICE OF DECISION

DEVELOPMENT SERVICES DEPARTMENT  
Internal Order No. 24004335

APPROVAL TYPE(S): NEIGHBORHOOD DEVELOPMENT PERMIT/  
PREVIOUS MITIGATED NEGATIVE DECLARATION  
PROJECT NAME/NUMBER: RAGLAND COMPANION UNIT NDP/PTS NO. 354094  
APPLICANT: GARY TAYLOR AND ASSOCIATES

COMMUNITY PLAN AREA: Uptown  
COUNCIL DISTRICT: 3

CITY PROJECT MANAGER: Paul Godwin, Development Project Manager  
MAILING ADDRESS: 1222 First Avenue, MS 501, San Diego, CA 92101-4153  
PHONE NUMBER/E-MAIL: (619) 446-5190/[pgodwin@sanidiego.gov](mailto:pgodwin@sanidiego.gov)

On April 1, 2015, Development Services Staff approved an application for the construct a 510-square-foot addition to an existing one-story garage to create an 828-square-foot garage and construct a 700-square-foot, second-floor, one-bedroom companion unit above the enlarged garage, on a 0.26-acre site is located at 1243 Cypress Court, in the RS-1-7 zone of the Uptown Community Plan. This application was filed on February 5, 2014. 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 **Planning Commission** no later than twelve (12) business days of the decision date. See Information Bulletin 505 "Appeal Procedure", available at [www.sandiego.gov/development-services](http://www.sandiego.gov/development-services) or in person at the Development Services Department, located at 1222 First Avenue, 3rd Floor, San Diego, CA 92101. Please do not e-mail your appeal as it will not be accepted. The decision of the Planning Commission is final.

This project is within the scope of Mitigated Negative Declaration No. 169490, Certified on October 19, 2009. This Mitigated Negative Declaration adequately describes the activity for the purposes of CEQA.

This information will be made available in alternative formats for persons with disabilities upon





# Development Review Process Workshop

## Notices – Process 3-5



THE CITY OF SAN DIEGO

DATE OF NOTICE: April 22, 2015

### 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 3) Map Waiver to convert an existing residence and duplex into (3) three residential condominium units located at 4571, 4573, & 4575 Bancroft Street. The 6,250-square-foot site is located in the RM-1-2 Zone, in the Normal Heights neighborhood of the Mid-City Communities Plan Area, in Council District 3.

PROJECT NUMBER: 408629  
PROJECT NAME: BANCROFT MAP WAIVER  
APPLICANT: DAVID PAROT  
COMMUNITY PLAN AREA: MID-CITY COMMUNITIES

CITY PROJECT MANAGER: PAUL GODWIN  
MANAGER PHONE NUMBER/E-MAIL: (619) 446-5190/[PGODWIN@SANDIEGO.GOV](mailto:PGODWIN@SANDIEGO.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. In addition, this item will be discussed by the Community Planning Group for the area in which the project is located. They will make an advisory recommendation to the City of San Diego.

You may contact Caroline Mckeown, Chair of the Normal Heights Community Planning Group at (619) 640-8550 to inquire about the community planning group meeting dates, times, and location for community review of this project.

Should the condominium conversion project be approved, tenants may be required to vacate the premises. No units may be sold in this building unless the conversion is approved by the city and until after a public report is issued by the Department of Real Estate. Each tenant has the exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report pursuant to Section 11018.2 of the Business and Professions Code, unless the tenant gives prior written notice of his or her intention not to exercise the right.

If you are an existing tenant within this project, you may have rights to certain benefits as outlined in San Diego Municipal Code Section 144.0503. To learn more information regarding these benefits, please contact the Housing Commission at (619) 578-7580, or find the details on their website at: <http://www.sdhc.net/haotherprog1h.shtml>.



THE CITY OF SAN DIEGO

DATE OF NOTICE: (February 11, 2015)

### NOTICE OF PUBLIC HEARING PLANNING COMMISSION

DATE OF HEARING: February 26, 2015  
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 TYPE: PLANNED DEVELOPMENT PERMIT, PROCESS FOUR,  
PREVIOUSLY CERTIFIED ENVIRONMENTAL IMPACT  
REPORT

PROJECT NUMBER: 364722  
PROJECT NAME: VILLAGE HILLCREST PDP  
APPLICANT: Village Hillcrest Partners, Limited Partnership

COMMUNITY PLAN AREA: Uptown  
COUNCIL DISTRICT: District No. 3

CITY PROJECT MANAGER: Paul Godwin, Development Project Manager  
PHONE NUMBER/E-MAIL: (619) 446-5190/[pgodwin@sandiego.gov](mailto:pgodwin@sandiego.gov)

As a property owner, tenant or person who has requested notice, you should know that the Planning Commission will hold a public hearing to approve, conditionally approve, or deny an application for a Planned Development Permit (PDP) to amend approved Planned Commercial Development (PCD) Permit No. 88-0227, to allow a redistribution of the allowed land use square footages in an existing mixed-use development, located on a 2.15-acre site at 3955-3985 Fifth Avenue and 501-555 Washington Street, between Fifth Avenue to the west, Sixth Avenue to the east and Washington Street to the north. No modifications to the building footprint, size, circulation, parking or exterior are proposed with this project.

The decision of the Planning Commission is final unless the project is 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.



## 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






# Development Review Process Workshop

## Hearing Staff Reports

**CPG  
Recommendation**



THE CITY OF SAN DIEGO

**REPORT TO THE HEARING OFFICER**

HEARING DATE: May 20, 2015                      REPORT NO. HO-15-072

ATTENTION:                      Hearing Officer

SUBJECT:                      **LOGAN AVENUE MAP WAIVER - PROJECT NO. 393899**

LOCATION:                      2762 Logan Avenue and 2761 Marcy Avenue

APPLICANT:                      Keyrock Investments, LLC

**SUMMARY**

Issue(s): Should the Hearing Officer approve a tentative map waiver to allow a two unit condominium conversion project?


Staff Recommendation(s) – **APPROVE** Tentative Map Waiver No. 1380543.

**Community Planning Group Recommendation** – On March 10, 2015, the Southeastern San Diego Community Planning Group voted 10-0-0 to recommend approval of the project with the condition that landscaping and all fences and walks should meet City standards (Attachment 9).

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15301(k) (Existing Facilities). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on February 19, 2015 and the opportunity to appeal that determination ended March 5, 2015.

**BACKGROUND**

The 7000-square-foot project site is located at 2762 Logan Avenue and 2761 Marcy Avenue in the MF-3000 Zone of the Southeastern San Diego Planned District (SESDPD) within the Southeastern San Diego Community Plan area (Attachments 1, 2). The Southeastern San Diego Community Plan designates the proposed project site for Low Density Residential at a density range of five to ten dwelling units per acre (Attachments 3). The site is surrounded by residential development and within an urbanized portion of the city developed since the early 1900's with residential uses. The property is legally described as Lots 39 and 40 in Block 3 of Reed and Hubbell's Addition according to Map No. 327, filed June 30, 1886.



- 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!



## Development Review Process Workshop

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





# Development Review Process Workshop

## Planning Department Organizational Chart

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

Jeff Murphy, Planning Director

Alyssa Muto, Deputy Director

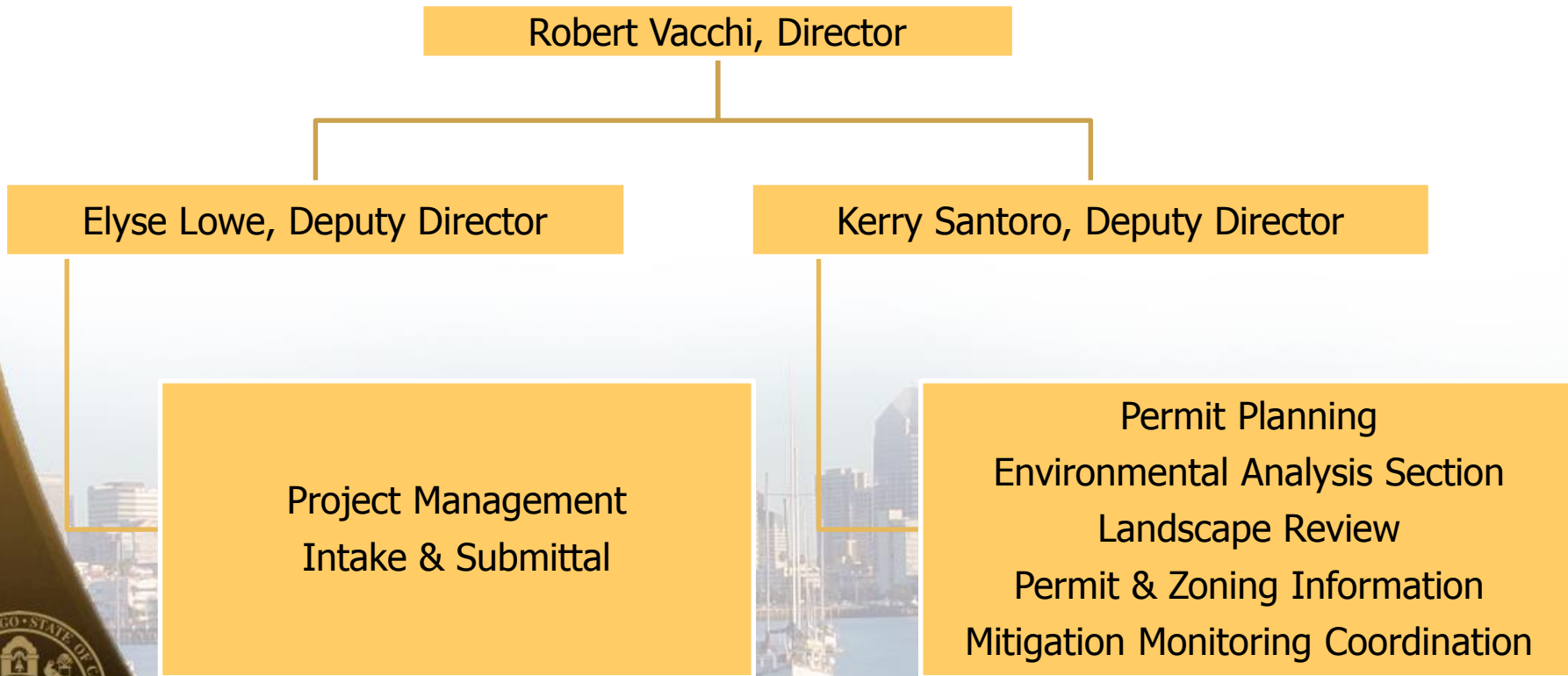
Environmental Policy  
Analysis



# Development Review Process Workshop

## 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



# Development Review Process Workshop

- “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





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

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

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



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## Pre-Public Review CEQA Process

- Preliminary Review for Completeness of Application
  - Determine if action is discretionary
  - Determine whether action is a project
- Review for Exemption
  - General Rule
  - Statutory Exemption
  - Categorical Exemption
- Commence Initial Study and complete within 30 days.
  - Based on results, conclude previously addressed or prepare ND, MND, Addendum, EIR, or other document.



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## Significance Thresholds

- Adoption not required by CEQA
- Thresholds provide staff with guidance on determining the significance of an impact
- If an impact is determined to be significant, mitigation or an Environmental Impact Report is required.
- Lower thresholds result in more significant impacts and preparation of more Environmental Impact Reports when impacts cannot be mitigated.



## Significance Thresholds

- Used for evaluating significance on all discretionary projects submitted to the City





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## Evaluation Guidelines

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



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## EAS Coordinates With

### Within the City (Regulator)

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



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## EAS Coordinates With

### Other Regulators

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



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## Exemptions

- Statutory Exemptions
  - Used to exempt ministerial (e.g., building permits and Substantial Conformance Review) and certain types of discretionary projects (e.g., emergency projects, pipelines less than a mile) regardless of impacts.
- Categorical Exemptions
  - Used to exempt certain types of discretionary projects where there is no “reasonable possibility” for a significant impact.





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## Result of the Analysis: the Draft Environmental Document

- Negative Declaration (ND)
  - No significant effect
- Mitigated Negative Declaration (MND)
  - Significant effects are mitigated
- Environmental Impact Report (EIR) – If there is substantial evidence, that a project may have a significant effect that cannot be mitigated



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## Environmental Impact Report

- Analyzes significant effects and discusses ways to mitigate
- Project Alternatives are analyzed
- Cumulative impacts are analyzed separately
- Projects may be approved with significant unmitigated impacts
- Findings and Statement of Overriding Considerations must be adopted



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## Role of the Consultant

- Hired by the applicant
- Helps in the preparation of technical studies
- All work is subject to review and approval by City staff



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## CEQA EIR Alternatives

- Lead agency [City] shall consider a reasonable range of alternatives that would foster informed decision-making and public participation
- CEQA Alternatives must:
  - Avoid or substantially lessen any significant environmental effect of the project
  - Feasibly attain most of the basic goals and objectives of the project





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## CEQA Alternatives

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



## Public Review



- 45 calendar-days
- Staff responds to public comments. Environmental document 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



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## Environmental Appeals Regulations





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## 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



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## Environmental Notice of Right to Appeal



THE CITY OF SAN DIEGO

Date of Notice: January 9, 2014

### **NOTICE OF RIGHT TO APPEAL ENVIRONMENTAL DETERMINATION** DEVELOPMENT SERVICES DEPARTMENT

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

**COMMUNITY PLAN AREAS:** City-wide

**COUNCIL DISTRICTS:** All

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

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

**ENTITY CONSIDERING PROJECT APPROVAL:** City of San Diego

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

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



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## Environmental Appeals Regulations Appeal Hearings

- City Council Hearing
- By a majority vote, the Council may:
  - Deny the appeal and uphold the determination
  - Grant the appeal and make superseding environmental determination or CEQA findings
  - Grant the appeal, set aside the determination, and remand for reconsideration



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## **CEQA Statutes, Guidelines and Cases**

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

## **City CEQA Implementation Ordinances**

<http://clerkdoc.sannet.gov/legtrain/mc/MuniCodeChapter12/Ch12Art08Division01>

<http://clerkdoc.sannet.gov/legtrain/mc/MuniCodeChapter12/Ch12Art08Division02>

## **City Significance Thresholds**

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





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## Contacting Us

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



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Thank you for your  
participation!

**ANY QUESTIONS?**

