



# Appeal Procedure

City of San Diego  
Development Services Department

**505**

July 2021

This Information Bulletin discusses the appeal procedures for decisions made at various Process levels, as well as environmental determinations.

As discussed within San Diego Municipal Code (SDMC) Chapter 11, Article 2, Divisions 5 and 6, discretionary decisions made at Process Two (Staff Decision), Three (Hearing Officer Decision), Four (Planning Commission Decision), and Capital Improvement Project (CIP) - Two (Staff Decision) 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 the City Council. Additionally, Process Four and CIP - Two decisions are appealable to the City Council. An Environmental Determination, as defined in SDMC Section 113.0103, may be appealed to the City Council in accordance with SDMC Section 112.0520. There is no City administrative appeal available for Process Five and CIP-Five decisions, or for Environmental Determinations made by the City Council.

Project Appeal	Appeal Fee	Appeal Period	Environmental Determination Appeal	Appeal Period
Process CIP - Two	<b>\$1,000</b>	Within 10 business days* of the decision date.	<b>Fee: \$1,000</b>	
Process Two EOT for Map Waiver and EOT for Development Permit	<b>\$1,000</b>	Within 10 <sup>1</sup> business days* of the decision date.	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* of NORA posting date.
Process Two	<b>\$100</b>	Within 10 <sup>1</sup> business days* of the decision date.	Process Three and Process Four - NORA posted for an Exemption Determination.	Within 10 business days* of NORA posting date.
Process Three	<b>\$100</b>		Process Three and Process Four - certification of an environmental document by the decision-maker.	Within 10 business days* of decision date.
Process Four	<b>\$1,000</b>		*Business days is defined in SDMC Sections 113.0103	

Appeals must be made in accordance with the procedures listed in SDMC Chapter 11, Article 2, Divisions 5 and 6, which are summarized below:

Only those who qualify as "Interested Persons" or "Applicant" in accordance with SDMC Section 113.0103 shall be permitted to file an appeal of a Process Three or Four permit decision. Process Two and CIP-Two decisions may be appealed by any person. Any person may appeal an Environmental Determination not made by the City Council.

**I. APPEAL CRITERIA**

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

- A.** 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."
- B.** Payment of identified appeal fee, if applicable, or signature of recognized Community Planning Group (CPG) Chairperson/designee (see Section IV below).
- C.** All above items must be submitted to the appropriate location prior to close of business day by the end of the appeal period (see Section III below).

**II. INVALID APPEALS**

The following appeals shall be invalidated:

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

In these instances of an invalidated appeal, the initial decision by the Process Two, Three, Four or CIP-Two shall be the final decision of the City of San Diego.

**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 as specified in “A,” below. Appeals in accordance with the Land Development Code that are required to be filed with the City Clerk’s Office must be made with that office as specified in “B,” below.

**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) via email to [PlanningCommission@sandiego.gov](mailto:PlanningCommission@sandiego.gov) by 4:00pm 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 processing of the appeal. Failure to pay the invoice within 5 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 in Downtown San Diego by 4:00pm on the last day of the appeal period. The completed appeal package 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. All payments must be in the exact amount, drawn on US banks, and be made out to "City Treasurer." Please include in the memo of the check the invoice # or Project # or attach the invoice to the check. Cash payments are only accepted by appointment; email [DSDCashiers@sandiego.gov](mailto:DSDCashiers@sandiego.gov) to schedule an 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 the fully completed appeal application [DS-3031](#) (including grounds for appeal and supporting documentation in pdf format) via email to [Hearings1@sandiego.gov](mailto:Hearings1@sandiego.gov) by 5:00pm on the last day of the appeal period; your email appeal will be acknowledged within 24 hours. You must separately mail the appeal fee by check payable to the City Treasurer to: City Clerk/Appeal, MS 2A, 202 C Street, San Diego, CA 92101. The appeal filing fee must be United States Postal Service (USPS) postmarked within 5 business days of the date the appeal is filed.
2. Appeals filed in person: Bring the fully completed appeal application [DS-3031](#) (including grounds for appeal and supporting documentation) to the City Administration Building—Public Information Counter, 1st Floor Lobby, located at 202 C Street, San Diego, CA 92101, by 5:00pm on the last day of the appeal period. The completed appeal form shall include the required appeal fee, with a check payable to: City Treasurer.

**IV. COMMUNITY PLANNING GROUP APPEALS**

Appeal fees shall only be waived for appeals filed by the recognized Community Planning Group (CPG) for the project's Community Planning Area or by a recognized CPG which immediately abuts another CPG area. 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 Section III, completed and signed and provided in Adobe Acrobat .pdf format. The City must receive the e-mail prior to close of business by the end of the appeal period. The Chairperson assumes responsibility for ensuring that the appeal application and supporting material has been received prior to the deadline.

**V. 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 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 Development Services Department. 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.

**VI. 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 Section 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.

<sup>1</sup>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.

**Documents referenced in this  
Information Bulletin**

- Appeal Application, [DS-3031](#)
- San Diego Municipal Code ([SDMC Section 112.0520](#))
- San Diego Municipal Code ([SDMC Section 113.0103](#))
- San Diego Municipal Code ([SDMC Section 126.0710](#))
- San Diego Municipal Code ([SDMC Chapter 11, Article 2, Division 6](#))
- [Council Policy 600-24](#)