



DEVELOPMENT SERVICES
 DEVELOPMENT PERMIT/ENVIRONMENTAL DETERMINATION
Appeal Procedure

INFORMATION
 BULLETIN
505
 JULY 2017

1222 FIRST AVENUE, MS 302, SAN DIEGO, CA 92101

This Information Bulletin discusses the appeal procedure for decisions made at the Process Two, Three and Four levels, as well as environmental determinations.

As discussed within San Diego Municipal Code (SDMC) Chapter 11, Article 2, Division 5, discretionary decisions made at the Process Two, Three and Four levels are appealable to higher decision-making levels. Process Two and Three permit decisions are appealable to the Planning Commission. Process Four permit decisions are appealable to the City Council. An environmental determination, as defined in SDMC Section 113.0103, may be appealed to City Council in accordance with SDMC Section 112.0520. There is no City administrative appeal available for environmental determinations made by the City Council.

Appeals must be made in accordance with the procedures listed in SDMC Chapter 11, Article 2, Division 5, as summarized here:

Project Appeal	Appeal Period
Process Two	Within 12 business days of the decision date.
Process Three	Within 10 business days of the decision date.
Process Four	Within 10 business days of the decision date.

Environmental Determination Appeal	Appeal Period
Notice of Right to Appeal (NORA) posted for an exemption determination -or- the adoption or certification of an environmental document subject to a City Manager decision under City Charter Section 28, including Process Two decisions	Within 10 business days from the date of posting of the NORA
NORA posted for an exemption determination for Process Three and Process Four decisions	Within 10 business days from the date of posting of the NORA
Adoption or certification of an environmental document made by the Hearing Officer (Process Three) or Planning Commission (Process Four)	Within 10 business days of the decision date

*Business days are defined within SDMC Sections 113.0103 and 21.04.

Documents referenced in this Information Bulletin

- [San Diego Municipal Code](#)
- [Development Permit Appeal Application, DS-3031](#)
- [Council Policy 600-24 - Community Planning Groups](#)

Only those who qualify as “Interested Persons” in accordance with SDMC Section 113.0103 shall be permitted to file an appeal of a Process Three or Four decision. Process 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):

- Fully completed Development Permit/Environmental Determination Appeal Application (DS-3031)
- Signature of appellant on Development Permit Appeal Application (DS-3031)
- Completion of “Grounds for Appeal”
- Payment of appeal fee, if applicable
- All above items submitted to the appropriate location prior to close of business at the end of the appeal period.

II. FEES

A \$102 appeal fee is required for appeals, except for those filed by the recognized Community Planning Group (CPG) for the project area or a CPG which immediately abuts another CPG area (see Note below). Failure to provide the appeal fee as required prior to the end of the appeal period shall constitute an invalid appeal.

NOTE: Appeal fees are non-refundable, and the appeal fee shall only be waived for appeals filed by the recognized CPG for the project area (Reference Council Policy 600-24), or a CPG which immediately abuts another CPG area. Appeals filed by the recognized CPG shall be made by the Chairperson or, if necessary because of direct economic interest or absence, by a

designee identified to appeal that particular action on behalf of the planning group.

The current Chairperson will be verified by the most updated list maintained by the [Planning Department](#).

III. FILING LOCATION FOR APPEALS

Process Two and Three Decisions Appealable to the Planning Commission-

Project Appeals for Process Two and Three decisions must be filed in person at: City of San Diego, Development Services Department, 1222 First Avenue, 3rd Floor, San Diego, CA 92101. **For Community Planning Group Chairpersons only:** Appeals by the chair of a recognized CPG may be e-mailed to PlanningCommission@sandiego.gov. E-mailed appeal forms must be received within the appeal period.

Process Four Decisions and Environmental Determinations Appealable to the City Council-

Appeals of Process Four decisions and/or environmental determination appeals must be filed in person at: City of San Diego, City Clerk's Office, 202 "C" Street, 2nd Floor, San Diego, CA 92101. Phone: (619) 533-4000. **For Community Planning Group Chairpersons only:** Appeals by the chair of a recognized CPG may be e-mailed to Hearings1@sandiego.gov. E-mailed appeal forms should be complete and in Adobe Acrobat format. The date we receive the e-mail will be the date received (for purposes of the appeal period). The e-mail should be followed up with an original appeal form that includes a signature.

IV. INVALID APPEALS

Failure to provide any of the required items in the above checklist (see Section I, Appeal Criteria) by the end of the appeal period, or appeals made by those person(s) **not qualified** as an "interested person" (for Process Three and Four permit decisions only) shall constitute an invalid appeal. In this instance, the initial decision by the Process Two, Three or Four decision maker shall be the final decision of the City of San Diego.

V. APPEALS TO THE COASTAL COMMISSION

For those projects within the Appealable Jurisdiction of the Coastal Overlay Zone (as noted on Map C-730, and defined by SDMC Section 113.0103), appeals of the final decision of the City of San Diego may be made 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. Phone (619) 767-2370. Appeals must be filed within 10 business days of the Coastal Commission receiving a Notice of Final Action from the City of San Diego, Development Services Department.