



Appeal Procedure

City of San Diego
Development Services Department
1222 First Avenue, MS 302, San Diego, CA 92101-4101

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

As discussed within San Diego Municipal Code (SDMC) Chapter 11, Article 2, Division 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. Process Two and Three decisions are appealable to the Planning Commission. Process Four and CIP-Two 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 Process Five and CIP-Five decisions, or for Environmental Determinations made by the City Council.

Documents referenced in this Information Bulletin
<ul style="list-style-type: none"> • 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

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

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 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.

Project Appeal	Appeal Period	Appeal Fee
Process Two	Within 12 business days* of the decision	\$102
Process CIP - Two		\$1,000¹
Process Three	Within 10 business days* of the decision	\$102
Process Four		\$1,000¹

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.
- B.** Signature of appellant on Appeal Application DS-3031.
- C.** Completion of "Grounds for Appeal".
- D.** Payment of identified appeal fee, if applicable or signature of recognized Community Planning Group (CPG) Chairperson/designee (see Section III below).
- E.** All above items submitted to the appropriate location prior to close of business by the end of the appeal period.

Environmental Determination Appeal	Appeal Period
Fee: \$1,000¹	
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 Three and Process Four - NORA posted for an Exemption Determination.	Within 10 business days* of NORA posting date.
Process Three and Process Four - certification of an environmental document by the decision-maker.	Within 10 business days* of decision date.

*Business days is defined in SDMC Sections 113.0103

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" 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. 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.

The Chairperson of a recognized CPG may file by e-mail instead of in-person. E-mailed appeal applications and supporting material must be 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.

CPG Chairpersons only may email appeal applications as follows:

Process Two and Three- email
PlanningCommission@sandiego.gov

Process Four, CIP-Two and Environmental Determinations- email
Hearings1@sandiego.gov

IV. FILING LOCATION FOR APPEALS

A. Processes Two and Three Project Decisions Appealable to the Planning Commission - Appeals must be filed in person: City of San Diego Development Services Department, 1222 First Avenue, 3rd Floor, San Diego, CA 92101.

B. Processes Four and CIP-Two Project Decisions and Environmental Determinations Appealable to the City Council - Appeals must be filed in person: City of San Diego, City Clerk's Office, 202 "C" Street, 2nd Floor, San Diego, CA 92101.

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 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.

V. 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.

¹The increase to the appeal fees (O-2017-142) is still pending certification by the California Coastal Commission, which means that areas within the coastal zone are still subject to O-18822. The bulletin will be updated once the Coastal Commission unconditionally certifies the ordinance.