



What to Know When Reviewing Public and Private Development Projects

September 20, 2018

Presenter: Travis Cleveland, Development Project Manager – tcleveland@sandiego.gov

Presentation Overview

- DSD Online Resources
- Types of Discretionary Approvals
- Decision Process Levels
- Public Projects
- CPG and DPM Roles
- Findings
- CPG Conditions and Recommendations
- Staff Reports
- Appeals



Development Services Main Webpage

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

The screenshot shows the official website for the City of San Diego's Development Services Department. The header features the city logo, weather information (68°), and a search bar. A navigation bar includes links for Leisure, Resident Resources, Doing Business, Library, Public Safety, and City Hall. Below this is a large banner image of the San Diego skyline with a credit to Cindy Devin. A secondary navigation bar lists various services: Development Services Home, OpenSD, Construction Industry, Business Owners, Home Owners, Development Process Step-by-Step, Zoning, News & Updates, and Contact Us. The main content area on the left displays the SD logo, the title 'Development Services', the department's address (1222 First Ave., MS 301, San Diego, CA 92101-4101), and links for Business Hours, Extended Services, City Holidays, Special Hours (Friday August 12), and Information by Phone. It also provides appointment scheduling details (619-446-5300, Limited Hours) and an email address (dsdweb@sandiego.gov). On the right, there is a photograph of a modern residential building with a walkway and a vertical 'Feedback' button.

The City of
SAN DIEGO

English ▾

68° SAN DIEGO WEATHER

Search sandiego.gov

LEISURE ▾
Explore, Play + Events

RESIDENT RESOURCES ▾
Pay Now, Parking + Help

DOING BUSINESS ▾
Fix, Plan + Build

LIBRARY ▾
Learn, Connect + Discover

PUBLIC SAFETY ▾
Police, Fire + Lifeguards

CITY HALL ▾
City Officials + Departments

Image by Cindy Devin

Development Services Home

OpenSD

Construction Industry

Business Owners

Home Owners

Development Process Step-by-Step

Zoning

News & Updates

Contact Us

SD

Development Services

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

[Business Hours](#)

[Extended Services](#)

[City Holidays](#)

[Special Hours - Friday August 12](#)

[Information by Phone](#)

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

dsdweb@sandiego.gov

Feedback



OpenDSD Webpage

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

Development Services

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 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.](#)

Approval Search | Invoice Search | Code Enforcement Case Search

Search by Map

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

Discretionary Approvals Map | Ministerial Approvals Map | Code Enforcement Case Map

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

Other Resources

- Information for Software Developers



Development Process Webpage

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

The screenshot displays the 'Development Services' webpage. At the top is a navigation bar with links: Development Services Home, OpenSD, Construction Industry, Business Owners, Home Owners, Development Process Step-by-Step (highlighted), Zoning, News & Updates, and Contact Us. The main content area is titled 'Development Process: Step-by-Step' and includes a brief introduction about navigating the process. Below this is a 'Development Process Overview' section with seven numbered steps, each in a box with a blue circle icon and a link: 1. Define Project, 2. Site Information, 3. Discretionary Review, 4. Plan Review, 5. Permits & Approvals, 6. Inspection, and 7. Occupancy. To the right of the overview is a detailed 'Development Process Step-by-Step' sidebar menu listing sub-links for each step, such as 'Overview', 'Are You Ready to Submit Your Application?', 'Determine Your Property's Zone', 'Key Areas', and 'Types of Inspections'.

Development Services

- Development Services Home
- OpenSD
- Construction Industry
- Business Owners
- Home Owners
- Development Process Step-by-Step
- Zoning
- News & Updates
- Contact Us

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?](#)
- 5** [Permits & Approvals: Do you have everything you need to obtain your permits & approvals?](#)
- 6** [Inspection: Are you ready for an inspection?](#)
- 7** [Occupancy: Is your project complete?](#)

For other questions or concerns, see the [Frequently Asked Questions](#).

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 IDP](#)
- 3. Discretionary Review**
 - Overview
 - [Key Areas](#)
 - [Project Submittal Requirements](#)
- 4. Plan Review**
 - Overview
 - [Key Areas](#)
 - [Project Submittal Requirements](#)
- 5. Permits & Approvals**
 - Overview
 - [Grading & Right-of-Way Permit Issuance](#)
 - [Mapping and Document Approvals](#)
- 6. Inspection**
 - Overview
 - [Types of Inspections](#)
 - [How to Schedule an Inspection](#)



Municipal Code Webpage

<https://www.sandiego.gov/city-clerk/officialdocs/legisdocs/muni>

The screenshot shows the 'Office of the City Clerk' webpage. The header features a navigation bar with links: City Clerk Home, About Us, Council & Committees, Official City Documents, City Boards & Commissions, Records Management, Info, Elections, Lobbying & Economic Interests, and Forms. The main content area is titled 'Municipal Code' and includes a description of the City of San Diego's Municipal Code, a search section with a 'Main Form' and a 'Search for:' input field, and a 'Documents Available for Download' section listing various chapters and regulations. A sidebar on the right is titled 'Official City Documents' and lists links to various document types.

Office of the City Clerk

Municipal Code

A Division of the City of San Diego City Clerk's Office

The City of San Diego's Municipal Code contains many of the ordinances for the City of San Diego. The Municipal Code is organized by Division.

The Municipal Code is updated as new ordinances are adopted by the City Council.

A Table of Contents is provided to facilitate location of specific divisions

Full Text Search of the Municipal Code
(Type one or more search terms in search box and press the "Search" button, also see [Basic Search Essentials](#))

Main Form

Search for:

Search

Documents Available for Download

- [Table of Contents](#)
- [Chapter 01. General Provisions](#)
- [Chapter 02. Government](#)
- [Chapter 03. Business Regulations, Business Taxes, Permits and Licenses](#)
- [Chapter 04. Health and Sanitation](#)
- [Chapter 05. Public Safety, Morals and Welfare](#)
- [Chapter 06. Public Works and Property: Public Improvement and Assessment Proceedings](#)
- [Chapter 07. Public Utilities and Transportation](#)
- [Chapter 08. Traffic and Vehicles](#)
- [Chapter 09. Building, Housing and Sign Regulations](#)
- [Chapter 10. Planning and Zoning](#)
- [Chapter 11. Land Development Procedures](#)
- [Chapter 12. Land Development Reviews](#)
- [Chapter 13. Zones](#)
- [Chapter 14. General Regulations](#)
- [Chapter 15. Planned Districts](#)

Official City Documents

- [Official City Documents Home](#)
- [City Attorney Legal Documents](#)
- [City Bulletin of Public Notices](#)
- [City Clerk Legislative Documents](#)
- [Budget Review Committee](#)

Two Types of Approvals

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

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

“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
- “By Right” permits
- Little or no discretion/subjective judgment
- Use of fixed standards & objective measurements
- No public notice, appeal process or CPG input
- Building, grading, electrical, plumbing 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
- Approval required based on scope and location



Common 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 |

Decision Process Levels

- **Process 1 – City Staff**, Ministerial, no appeals
- **Process 2 – City Staff**, Appeal to Planning Comm.
- **Process 3 – Hearing Officer**, Appeal to Planning Comm.
- **Process 4 – Planning Commission**, Appeal to Council
- **Process 5 – City Council**, Final Decision, no appeal

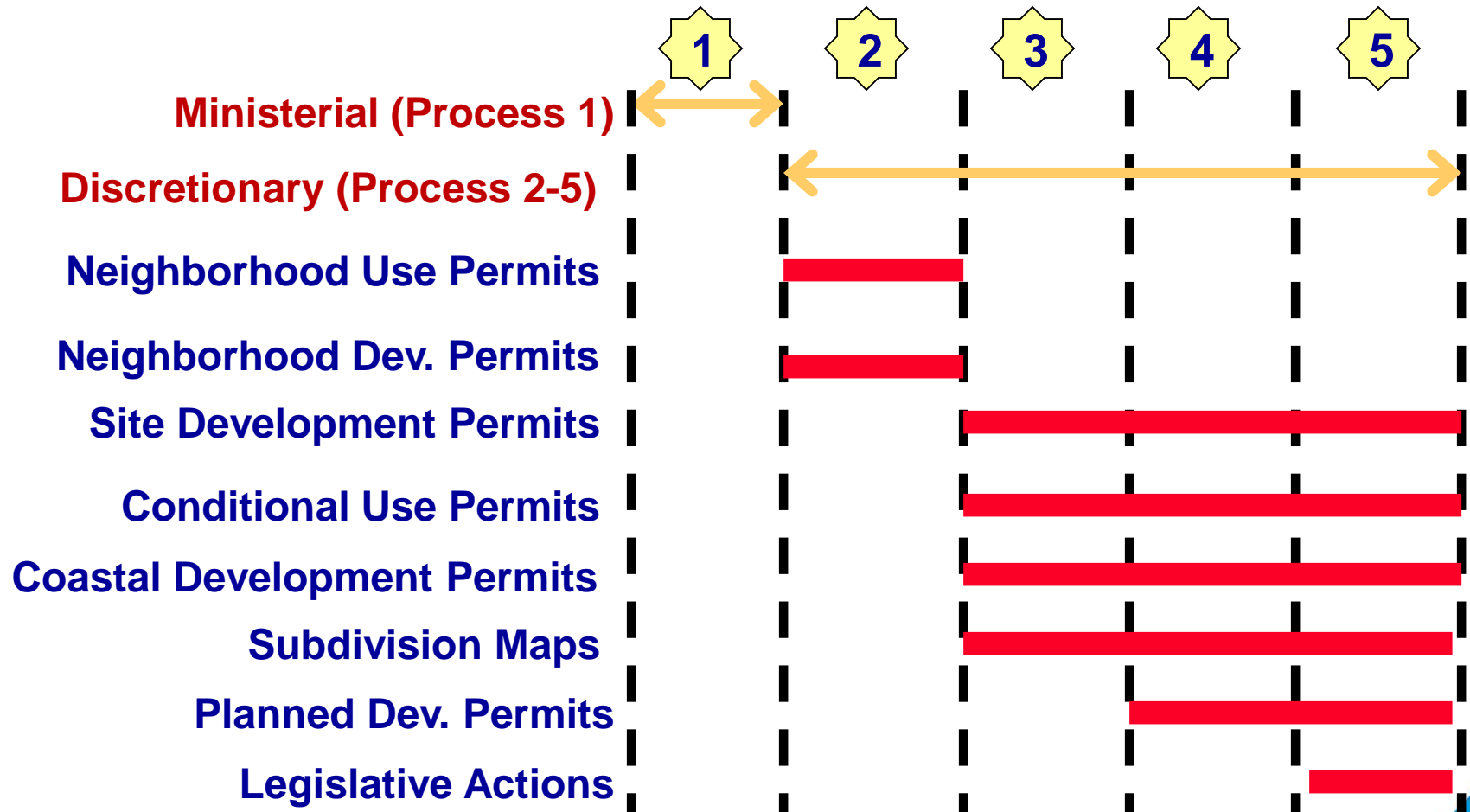
* Processes 2-5 are Discretionary *

Decision Process Levels

- The higher the decision level the more project complexity
- The higher the decision level, more discretion involved
- Processing costs increase with decision level
- Most Council decisions require a Planning Commission recommendation as well

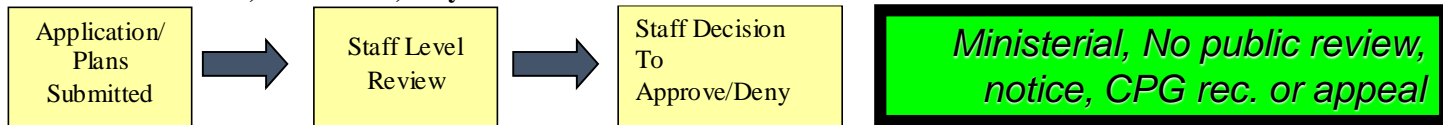
Approval Types

Decision Process

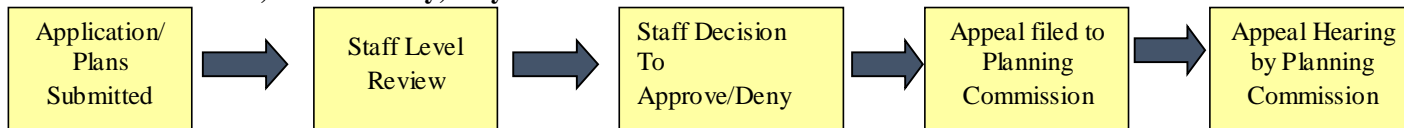


Decision Processes

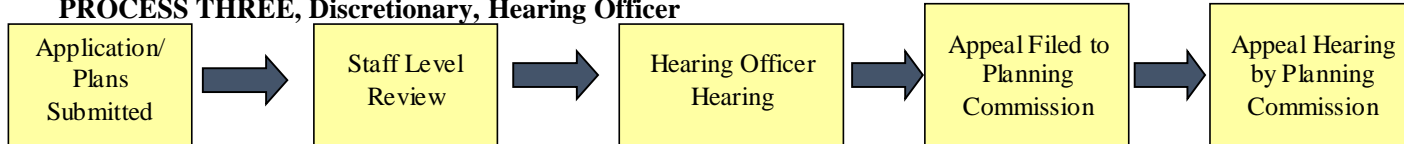
PROCESS ONE, Ministerial, City Staff



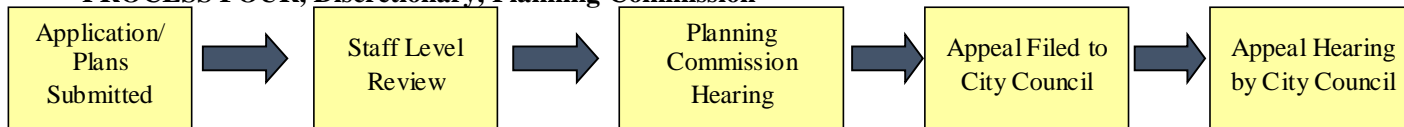
PROCESS TWO, Discretionary, City Staff



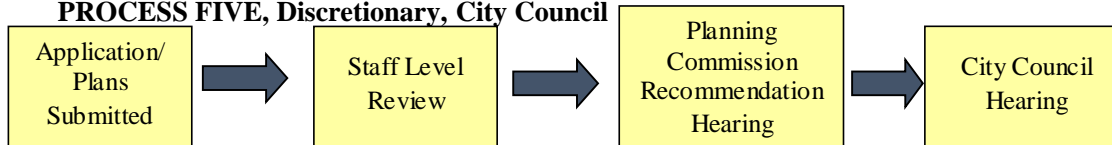
PROCESS THREE, Discretionary, Hearing Officer



PROCESS FOUR, Discretionary, Planning Commission



PROCESS FIVE, Discretionary, City Council



What is a Public Project?

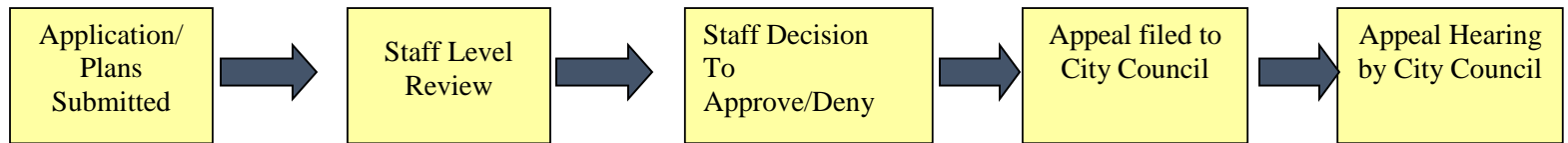
- Generally located on City property or public right-of-way
- Originates from a City dept, lessee or other gov't agency
- Capital Improvement Projects (CIP)
- Includes Fire & Lifeguard Stations, Parks, Utilities, Libraries, Roads, Parks, Trails, etc.
- CIP Info: <https://www.sandiego.gov/cip/projectinfo>
- CIP's have Discretionary DPM as well

Public Project Process

- Process 2 CIP – SDMC 112.0602
- Process 5 CIP – SDMC 112.0604
- Public Service Easement Vacations are Process 2
- Process 2 CIP appeals heard by City Council
- Same submittal requirements as a private projects
- Project & funding approved annually in Engineering and Capital Improvement budget

CIP Decision Processes

PROCESS TWO - CIP



PROCESS FIVE - CIP



Decision Maker vs. Advisory Body

- Planning Group and City reviewers are advisory
- Advisory bodies make recommendations not project decisions
- DSD, HO, PC and CC are Decision Makers
- Only Decision Maker can approve/deny a project
- Decision Maker may not follow advisory recommendations (use of discretion)

Community Group Role

- “Technical Expert” for your community plan
- Review projects based on Community Plan and General Plan elements and goals
- Provide clear and timely recommendations
- Work with the applicant at community level

The Community Group Member

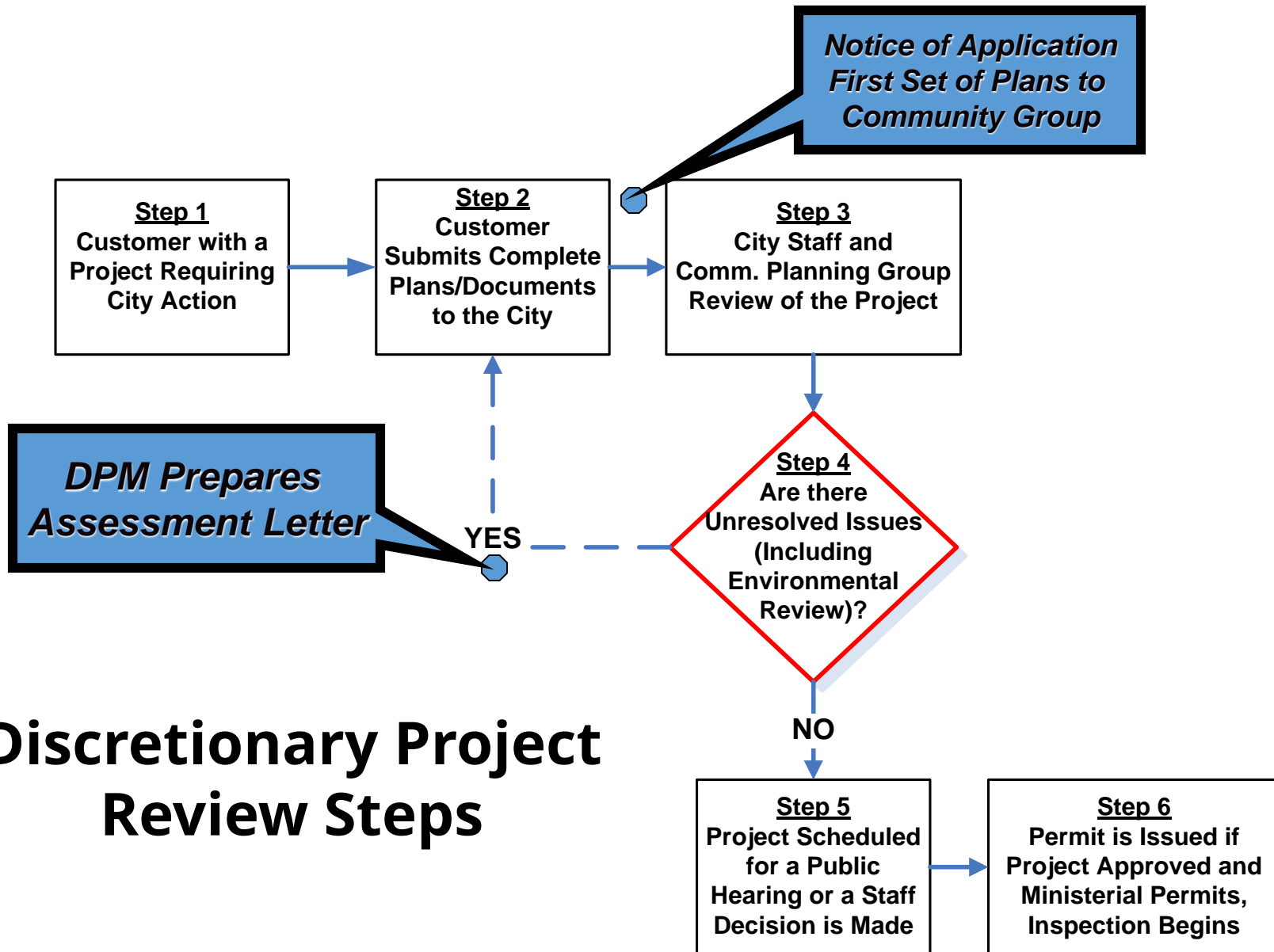
- City Council Policy No. 600-24
http://docs.sandiego.gov/councilpolicies/cpd_600-24.pdf
- Info Bulletin 620 “Community Planning Committees”
<http://www.sandiego.gov/development-services/pdf/industry/infobulletin/ib620.pdf>

Development Project Managers

- All Discretionary projects require a DPM
- DPM manages the multi-discipline review team
- Single point of contact for the project
- 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
- CPG cannot require additional submittal documents



Assessment Letters

- 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
- Available approx. 5 weeks after 1st submittal
- Prepared for each subsequent review
- Most CPGs won't hear projects before 1st AL

CPG Impact on Project Schedule

- Review projects as soon as possible
- Environmental review timing
- Public hearing schedule timing
- Information items vs. action items
- Amount and role of subcommittees
- Is project enhanced through timely public dialog?

Reviewing Plans

- Standard submittal requirements:
 - Title Sheet, Site Plan, Grading Plan, Landscape Plan, Public Improvement Plan, Floor Plans, Roof Plans, Elevations, Cross Sections, Renderings, etc
- Use your resources, technical experts on board?
- You are a Community Plan expert!
- Asking for additional information?

Community Plans

Are a public document which contains specific proposals for future land uses and public improvements in a given community.

They are part of the City's General Plan. It provides tailored policies and a long-range physical development guide for elected officials and citizens engaged in community development.

Community Plans

- Policy documents, subjective, not ordinance
- Policy vs. regulation
- Community Plans are implemented by zoning
- OK to be subjective
- Discretion is required so opinions will vary
- Relate issues back to findings to validate opinions

What is a Finding?

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
- Legal basis for decision makers approval or denial
- Findings are subjective (discretionary)
- Relating your recommendations/conditions to the findings gives your issues weight
- Clearly state why findings can/cannot be made
- Framing discussion in findings keeps meeting on track

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 via Chair
- Approve meeting minutes as soon as possible

CPG Conditions


- Must have a nexus (connection) to impact
- Must have a trigger (i.e. prior to building permit)
- Proportional to scope and requested action
- Enforceable and measurable
- Some conditions may not be included in permit
- Applicant may or may not agree to your conditions

CPG Recommendations

- Include actual vote count
- List conditions, clarify if applicant agreed
- Provide backup documentation
- Relate to findings
- Email to DPM, sooner the better!
- Written recommendation is your primary tool

Hearing Staff Reports

CPG Recommendation


THE CITY OF SAN DIEGO
Report to the Hearing Officer

DATE ISSUED: August 10, 2016 REPORT NO. HO-16-054
HEARING DATE: August 17, 2016
SUBJECT: HIGHLAND TANK PRV PDP, Process Three Decision
PROJECT NUMBER: [389997](#)
OWNER/APPLICANT: California American Water Company

SUMMARY:

Issue: Should the Hearing Officer approve the installation of two hydro-turbine generator units on an existing water storage tank for the production of electricity at 2805 Palm Avenue, within the Qtay Mesa-Nestor Community Planning area?

Staff Recommendation: APPROVE Planned Development Permit No. 1755962.

Community Planning Group Recommendation: On April 8, 2015, the Qtay Mesa-Nestor Community Planning Group voted 11-0-1 to recommend approval of the proposed project without conditions or recommendations. The vote was confirmed with the group's chair however they did not provide a written recommendation.

Environmental Review: The project was determined to be exempt pursuant to California Environmental Quality Act (CEQA) Guidelines 15303 which addresses the construction and location of limited numbers of new, small facilities or structures; and CEQA Section 15301 which allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing facilities (public or private) involving negligible or no expansion of use beyond that existing at the time of the determination. This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on June 24, 2016, and the opportunity to appeal that determination ended July 11, 2016.

BACKGROUND

The 7.7-acre site is located at 2805 Palm Avenue on the south side of Palm Avenue between Desty Street and Beyer Boulevard. The site is developed with a three-million-gallon privately-owned water storage tank that was built in 1963 and contributes to the City of San Diego water distribution system. There are several existing storage buildings associated with the water tank but the majority of the site is undeveloped.

- 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

- Staff Reports available on-line
- Hearing Officer:
<https://www.sandiego.gov/development-services/industry/hearingofficer/reports>
- Planning Commission:
<https://www.sandiego.gov/planning-commission/documents/pcreports>
- City Council:
<https://www.sandiego.gov/city-clerk/city-council-docket-agenda>

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 appeal fee is 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!

Environmental Appeals

- Anyone can file appeal, standing not required
- Notice of Right to Appeal Env. Determination (NORA)
<http://www.sandiego.gov/city-clerk/officialdocs/notices/index.shtml>
- After adoption or certification of env. document by decision maker
- Be clear on appeal form if you are appealing the project, environmental or both



Contact Information

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



Thank you for your
participation!

ANY QUESTIONS?