

**INFORMATION
BULLETIN**
505

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Appeal Procedure

This Information Bulletin discusses the appeal procedures for decisions made at various process levels and environmental determinations.

As discussed within San Diego Municipal Code (SDMC) Chapter 11, Article 2, [Division 5](#) and [Division 6](#), Process Two (Staff Decision), Three (Hearing Officer Decision), Four (Planning Commission Decision), and Capital Improvement Project (CIP) - Two (Staff Decision) discretionary decisions 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 [§113.0103](#), may be appealed to the City Council in accordance with SDMC [§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.

Appeal Fees

Type of Appeal	Process Level or Document Level	Appeal Fee	Appeal Period
Project Appeal	Process CIP – Two	\$1,000	Within 10 ¹ business days ² after the decision date
	Process Two Extension of Time (EOT) for Map Waiver and/or Development Permit		
	Process Two		
	Process Three		
	Process Four		
Environmental Appeal	Process Two and Process CIP-Two - Notice of Right to Appeal (NORA) posted for an exemption or certification of an environmental document	\$1,000	Within 10 business days ² of the NORA posting date.
	Process Three and Process Four – NORA posted for an Exemption Determination		Within 10 business days ² of the decision date
	Process Three and Process Four – certification of an environmental document by the decision-maker		

¹ 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.

² Business days is defined in SDMC [§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” per SDMC [§113.0103](#) shall be permitted to file an appeal of a Process Three or Four permit decision. Any person may appeal Process Two and CIP-Two decisions. 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 [§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 before the close of business day by the end of the appeal period (see Section III below).

II. Invalid Appeals

In the case 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. 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 before 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.

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 Office of the City Clerk must be made with that office as specified in “B” below. Failure to provide any of the required items in the above checklist (see Section I, Appeal Criteria) by the end of the appeal period.

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 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

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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 Ave. in Downtown San Diego by 4:00pm on the last day of the appeal period. The completed appeal package must be clearly marked on the outside as "Appeal" and 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 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 by 5 p.m. 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 to the City Treasurer to: City Clerk/Appeal, MS 2A, 202 C Street, San Diego, CA 92101. The appeal filing fee must be postmarked by the United States Postal Service (USPS) before or on the final date of the appeal. Please include the project # on the memo line of the check.

2. Appeals filed in person

Deposit 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 5:00 p.m. 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. Please include the project # on the memo line of the check/money order. This Drop-Off Box is checked daily, and payments are processed the following business day.

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 that 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.

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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 email 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 [§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.

Reference Table

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

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