

# COUNTY OF SAN DIEGO COMMUNITY PLANNING AND SPONSOR GROUP TRAINING



**Brought to you by  
Planning & Development Services  
2016**



# TRAINING AGENDA

<b>Section</b>	<b>Subject Area</b>
<b>One</b>	<b>Board Policy I-1</b>
<b>Two</b>	<b>Ralph M. Brown Act</b>
<b>Three</b>	<b>Public Records Act Requests</b>
<b>Four</b>	<b>Conflict of Interest and Financial Disclosure</b>
<b>Five</b>	<b>Legal Defense and Indemnification</b>
<b>Six</b>	<b>Planning and CEQA Processes</b>



# TRAINING OVERVIEW

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- **This training will:**
  - **Identify Policy I-1, Brown Act, Public Records Act, and Political Reform Act requirements**
  - **Identify your roles and responsibilities**
  - **Provide you with the knowledge and tools necessary to serve effectively**
- **There are situational questions at the end of Sections 1 – 5 that summarize material covered**
- **You must submit the Training Completion Form, which is available at the end of the training, to satisfy your training requirement**



# THANK YOU FROM COUNTY OF SAN DIEGO

The County of San Diego would like to thank you for dedicating your time to serving your community as a Planning/Sponsor Group member.



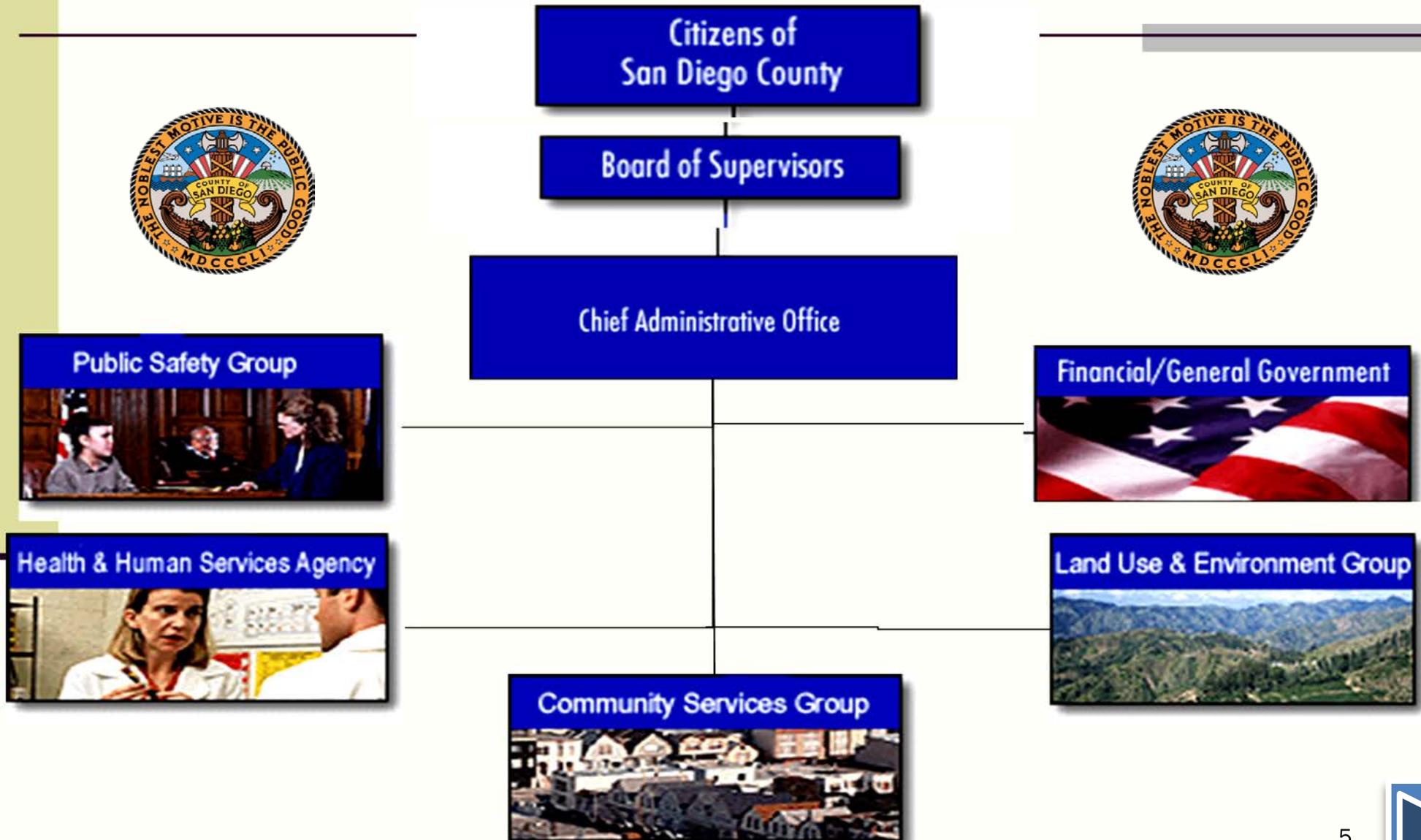
Your participation in the land use process is vital to balancing growth and development with conserving resources and preserving the unique character of our communities.

Your input and recommendations are truly valued by County decision-makers and staff.

Thank you for taking the time to complete this training and volunteering as a Planning/Sponsor Group member.



# COUNTY'S ORGANIZATIONAL STRUCTURE



# **LAND USE AND ENVIRONMENT GROUP**

**Agriculture, Weights and Measures**

**Air Pollution Control District**

**Environmental Health**

**Farm and Home Advisor**

**Parks and Recreation**

**Planning & Development Services**

**Public Works**



# SECTION 1

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## BOARD OF SUPERVISORS POLICY I-1



# GOVERNING DOCUMENTS

## Policy I-1

- Establishes policy and procedure for forming and operating groups

## Brown Act

- Establishes rules for conducting open public meetings

## Political Reform Act

- Establishes rules for identifying and avoiding conflicts of interest

## Group By-Laws

- Additional rules adopted by a group relating to operational procedures and member conduct



# **BOARD POLICY I-1: *PURPOSE***

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- **Encourages public participation in County decision-making processes**
- **Provides uniform process for:**
  - **Obtaining community input on land development projects**
  - **Creating and operating planning/sponsor groups**
  - **Preparing, revising, and implementing Community and Subregional Plans**



# PLANNING/SPONSOR GROUP PURPOSE

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- **Advise County decision-makers on:**
  - **Approval or denial of discretionary projects**
  - **Preparation, amendment, and implementation of Community and Subregional Plans**
  - **Planning and land use matters important to the community**



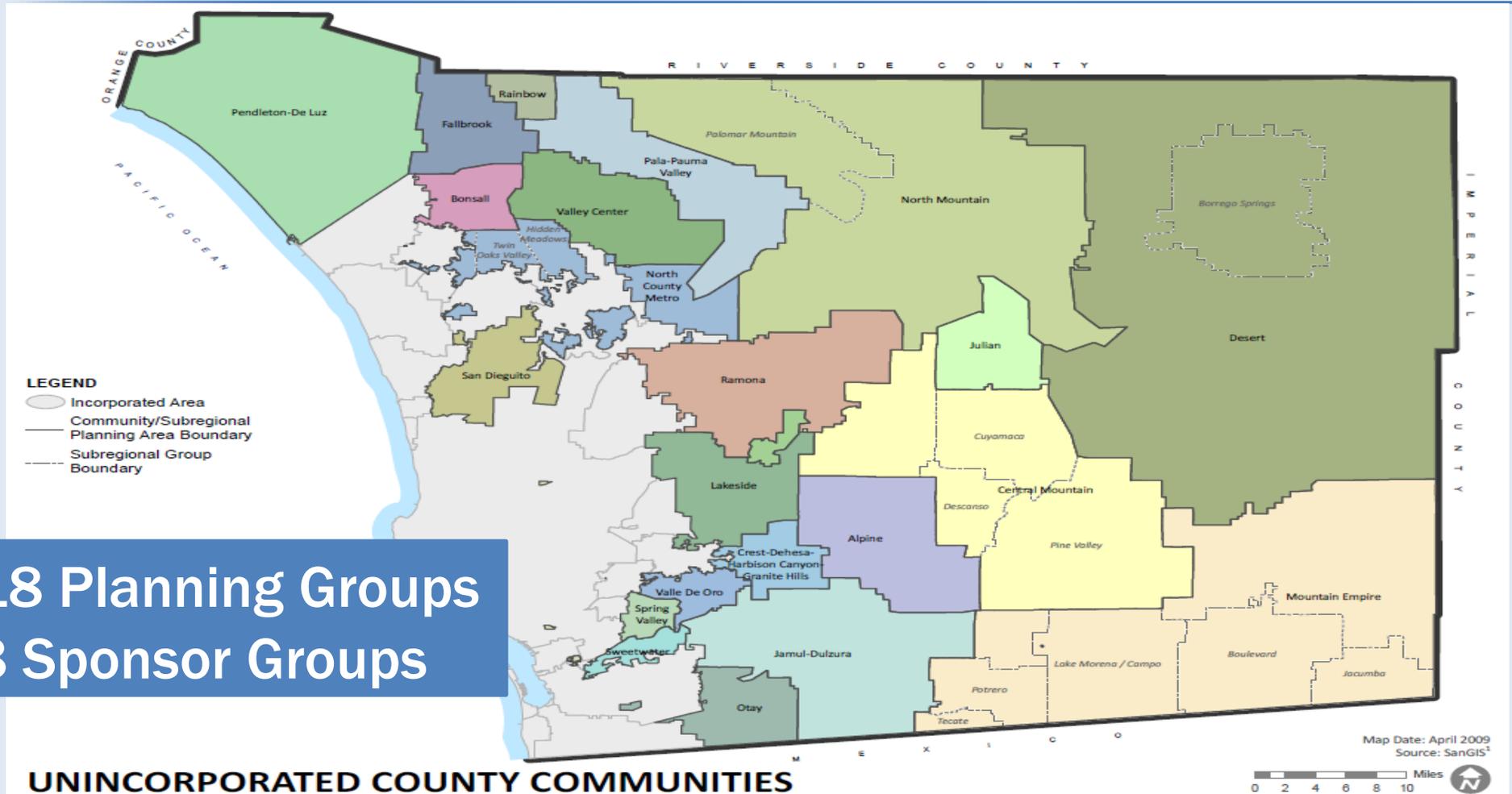
# PLANNING AND LAND USE MATTERS NOT REQUIRING COUNTY APPROVAL

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- BOS Policy I-1 states, “Because planning and sponsor groups exist to advise the County, a planning and land use matter that does not require County of San Diego approval may be discussed if properly noticed, but the only action that the group may take is an action to advise the County of the group's perspective on the issue.”



# PLANNING AND SPONSOR GROUPS



18 Planning Groups  
8 Sponsor Groups

Groups range from 5 to 15 members and must consist of an odd number of members



# PLANNING vs. SPONSOR GROUPS

## Sponsor Groups

- Appointed by Board of Supervisors
- Nominated by group, community, County staff, or Board of Supervisors
- Must live or own property within community

## Planning Groups

- Elected by voters in community
- Appointed between elections
- Must live within community



# MEMBERSHIP REQUIREMENTS

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## All members must:

- **Be 18 years old or older**
- **Be registered voters**
- **Complete Community Planning/Sponsor Group Training annually**
- **Complete State-Mandated Ethics Training every two years**
- **File Form 700 Economic Disclosure Statements annually**



# MEMBERSHIP TERMS

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- **Group members serve 4-year terms**
- **Terms begin upon confirmation by the Board of Supervisors**
- **Terms expire the 1st Monday after January 1st, unless reelected or reappointed**
- **Members appointed to vacant seats midterm must serve out the full unexpired term of the seat they are filling and need to be reelected or appointed once term expires**



# **POLICY I-1 COMPLIANCE REQUIREMENTS**

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- **All members are required to complete the following trainings:**
  - **Community Planning/Sponsor Group Training**
  - **State-Mandated Ethics Training**
- **Filing of Form 700 – Economic Disclosure Statement**



# COUNTY TRAINING REQUIREMENTS

## In-Person Training (New Members)

- Required prior to being seated and participating after the 1<sup>st</sup> Monday after January 1<sup>st</sup>

## Online Training (New Members)

- Required prior to being seated for non-election appointments

## In-Person or Online Training (Seated Members)

- Required annually for seated members



# STATE MANDATED ETHICS TRAINING

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- All members must complete the state-mandated ethics training:
    - Within first year of being seated
- AND
- Every two years after the initial training



# ACCESSING ETHICS TRAINING

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- **State mandated ethics training is available:**
  - **Fair Political Practices Commission:**  
<http://www.fppc.ca.gov>
  - **Self-Study (reading materials and test)**
- **Upon completion, forward your training certificate to the Planning & Development Services to receive credit for taking the training**



# FORM 700- ECONOMIC DISCLOSURE

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➤ Available from the FPPC at:

➤ <http://www.fppc.ca.gov>

➤ 1-866-ASK-FPPC (1-866-275-3772)



# UNEXCUSED ABSENCES

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- **Membership may be forfeited if you miss:**
  - **3 consecutive monthly meetings**
  - **6 consecutive twice-monthly meetings**

**OR**

- **1/3 of the total number of meetings in a calendar year**
- **Forfeiture or waiver of forfeiture requires a majority vote by the Group**



# GROUP OFFICERS

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- Members elect the following officers yearly:
  - **Chair**
  - **Vice-Chair**
  - **Secretary** (duties may be shared among members)
- Nominated by group members or a nominating committee
- Officers take office at the end of the meeting during which they are elected
- There are no term limits for group officers



# CHAIR RESPONSIBILITIES

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- Provides supervisory guidance to group
- Tracks group's compliance with membership requirements
- Coordinates with Project Planner to develop meeting agendas
- Presides over all group meetings
- Acts as official group spokesperson
- Assigns duties to the Vice-Chair and other members as necessary



# VICE-CHAIR AND SECRETARY DUTIES

## Vice- Chair

- Performs duties assigned by Chair
- Assumes Chair duties and responsibilities in Chair's absence or as assigned by Chair

## Secretary

- Records all meeting minutes
- Maintains Group's correspondence file
- Keeps rolls, certifies presence of quorums
- Keeps record of all group actions



# FILLING VACANT SEATS

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- **PDS Form 900** must be followed when filling vacant seat
- Group standing rules may establish alternative procedures for filling vacant seats
- All appointments must be confirmed by the Board of Supervisors
- Planning Groups may appoint members based on the number of votes received in the previous election



# PROCESS FOR FILLING VACANCIES

**Group Chair must inform PDS within 10 days of vacancy**

**Vacancy Announcement is publicly posted in community**

**Candidates submit applications**

**Registrar of Voters confirms applicant's qualifications**

**Meeting agenda posted in a public place**

**Group considers applications and recommends candidate**

**Group recommendation sent to Board of Supervisors**

**Board of Supervisors confirms appointment at public hearing**

**Candidate completes CPG/CSG Training**

**Candidate seated as group member**



# SUBCOMMITTEES

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- **Must relate to planning and land use matters important to your community**
- **Cannot have more than 50% of group members**
- **Membership is open to all interested parties**
  - **Nomination and majority vote is required**
- **Subcommittee members not serving as a Group member may not vote at regular meetings**
- **Only seated members may serve as subcommittee Chair**



# STANDING vs. AD-HOC COMMITTEES

## Standing

- Continuing subject matter
- Fixed meeting schedule
- Ongoing

## Ad-Hoc

- Specific task, assignment, purpose
- Terminated upon completion of task, assignment, or purpose

- Both types are subject to Board Policy I-1 and cannot have more than 50% of group members
- Confirm with staff if you have any questions



# MEETING NOTICES

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- **Notices must be posted in the newspaper at least 5 days prior to a meeting, if a newspaper is available**
- **Meeting notices should include only the meeting date, time, and location**
- **A brief description of the items to be discussed may be included but is not required**
- **Meeting agendas do not need to be posted in the newspaper**



# MEETING AGENDAS

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- All meeting agendas must follow the template in Policy I-1 (Attachment A) and include Disclaimer Language.
- Action items (discretionary projects) should be heard before informational items and Group business on the agenda
- Agendas must be finalized 72 hours before the meeting
- Agendas must be sent to PDS at least 72 hours prior to a meeting
  - Ensures agendas are posted on County website



# POSTING MEETING AGENDAS

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- Meeting agendas must be posted:
  - At least 72 hours prior to a meeting
  - Outside of the meeting location
  - In a public place that is freely accessible 24 hours a day
    - Examples: Building Door, Bulletin Board, or Window
- No agenda changes can be made less than 72 hours before a meeting



# CONDUCTING GROUP MEETINGS

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- **All group or subcommittee meetings must:**
  - **Be open to all members of the public**
  - **Be held in a public place**
  - **Comply with the provisions of the Brown Act and Policy I-1**
- **Group actions and recommendations may not be considered official if taken in violation of Policy I-1 or Brown Act**



# RULES OF ORDER

One of the following must be chosen to govern all group meetings

**Ray Keeseey's  
Modern  
Parliamentary  
Procedures**

**Robert's  
Rules of Order**

**Rosenberg's  
Rules of Order**

- Rules of Order provide common rules and procedures for deliberating and debating during meetings
- BOS Policy I-1 and the Brown Act still apply



# POLITICAL ACTIVITY

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- **No group may endorse, take action on, or support any political activity**
  - **Example: Supporting electoral candidate**
- **Groups may provide a public forum for the discussion of planning and land use issues important to the community**



# VOTING AT MEETINGS

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- **Only members who are present can vote**
- **Each member has 1 vote per agenda item**
- **The following votes are not permitted:**
  - **Proxy Votes (voting for other members)**
  - **Telephone-Canvassed Votes**
  - **Phone-In Votes**
  - **Absentee Votes**
  - **Secret Ballots**



# QUORUMS

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- Quorum is the minimum number of members that must be present to hold a meeting
- More than 50% of a group's authorized membership must be present
  - Authorized membership = total number of all group seats, even if not filled
- Quorum is needed to conduct a meeting and to take any official group action
- If no quorum exists, then all agenda items must be considered at the next meeting



# RECONSIDERATION OF VOTES

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- **Reconsideration of a previous vote is permitted only if:**
  - **Pertinent new information is available**
  - AND**
  - **The new information could not, with the exercise of reasonable diligence, have been provided at or before the meeting at which a prior vote was taken**
- **A vote to reconsider requires a majority vote**
- **County should be consulted before reconsidering any previous votes**



# GROUP RECOMMENDATIONS

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- **Recommendations are requested on all privately and publicly initiated projects that are located within your community**
- **Recommendations must be forwarded to the County on PDS Form 534**
- **Every effort should be made to submit the recommendation form within 7 days following a meeting**
- **Recommendations are included in the staff report to decision-makers**



# GROUP RECOMMENDATIONS

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- **Recommendations should focus on:**
  - **Completeness and adequacy of project description**
  - **Compatibility with community character**
  - **Consistency with Community or Subregional Plan**
  - **Consistency with applicable zoning regulations and the County General Plan**
  - **Concerns regarding a project's environmental impacts**



# PUBLICLY-INITIATED PROJECTS

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- **Public-initiated projects include, but are not limited to:**
  - **Zoning Ordinance Amendments**
  - **Community Plan Amendments**
  - **Board Policy Amendments**
  - **General Plan Amendments**
    - **Map and Text Amendments**



# PRIVATELY-INITIATED PROJECTS

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- **Private-initiated projects include, but are not limited to:**
  - **Administrative Permits**
  - **Site Plan Permits**
  - **Major and Minor Use Permits**
  - **Tentative and Tentative Parcel Maps**
  - **Specific Plans and Specific Plan Amendments**



# COMMENTING ON PROJECTS

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- **Groups comments on privately- and publicly-initiated project are encouraged during:**
  - **Pre-Application meeting (private projects)**
  - **Application submittal (private projects)**
  - **Public review periods**
  - **Public hearings**
  - **Stakeholder meetings (public projects)**



# PRIVATELY-INITIATED PROJECTS

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- **PDS provides plot plans, project application, and project description to Group**
  - **One Hard Copy: Displayed during group meetings**
  - **Electronic copy: Chair forwards to each group member**
- **Meetings should occur within 30 days of receiving application materials from PDS when feasible**



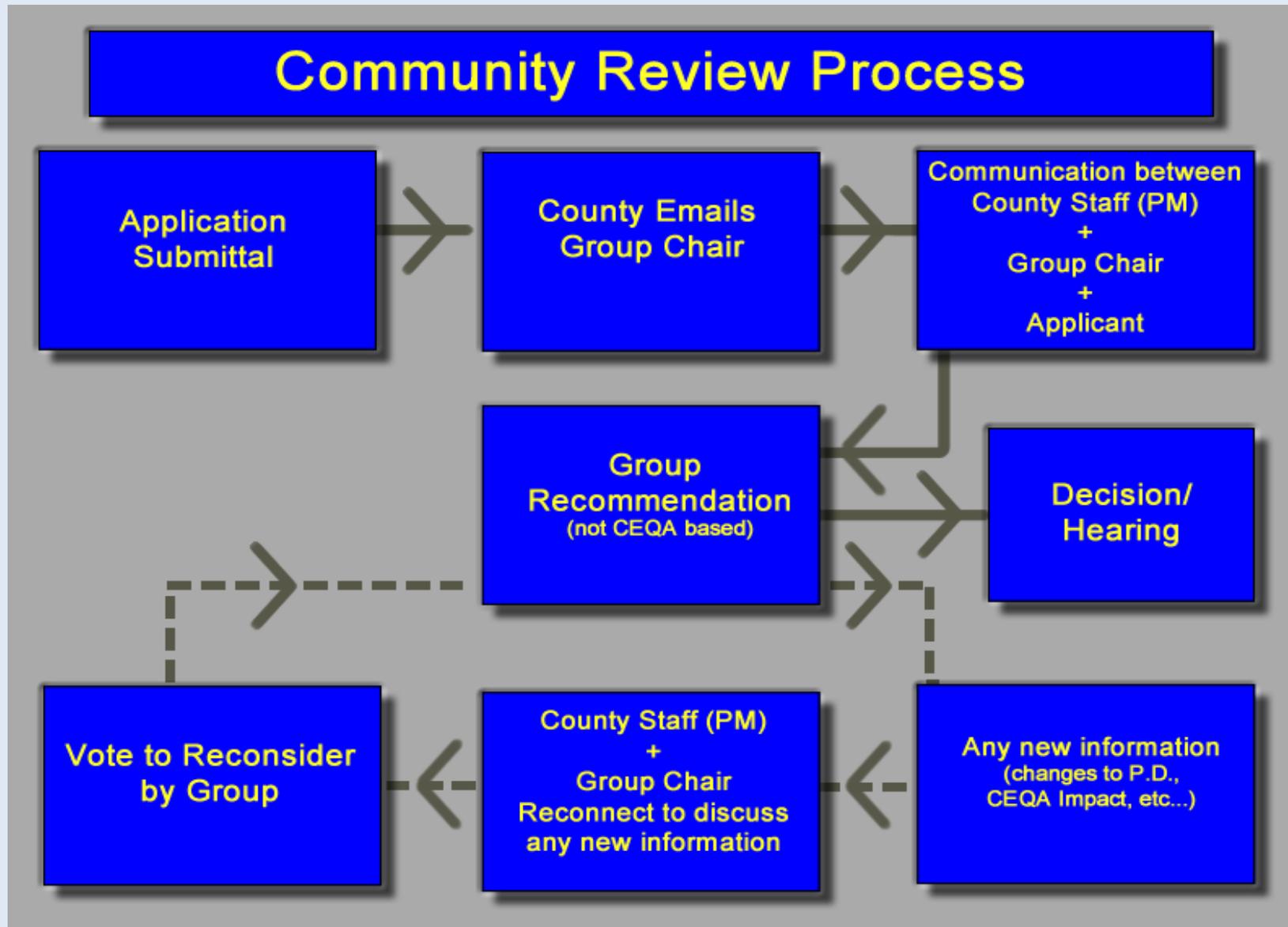
# COORDINATING WITH APPLICANTS

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- **Each Chair must coordinate with project applicants to place projects on the agenda within 30 days of receiving application**
- **Project applicant and PDS Project Manager should be notified at least two weeks in advance of any scheduled meeting**
- **Projects may still be placed on the agenda within two weeks of the meeting but no later than 72 hours before the meeting**



# COMMUNITY REVIEW PROCESS



# APPEAL PRIVILEGES

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- **Groups have free appeal privileges on all discretionary land use matters within their respective community**
- **PDS must be promptly notified of a group's decision to appeal or withdraw the appeal**
- **Appeals get an item heard by the next/higher appellate hearing body**
- **BOS hearings are final**



# APPEAL REQUIREMENTS

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- **Groups must be present at the public hearing during which a decision was made or have corresponded with the decision-making body prior to the hearing**
- **Appeals must be confirmed by a majority vote**
- **Appeals must be filed within 10 days following project approval or denial**



# APPEAL PRIVILEGES

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- **If an appeal item cannot be placed on a meeting agenda 72 hours prior to the end of the appeal period, then:**
  - **Chair may file an appeal**
- OR**
- **Chair must file an appeal if petitioned individually by a majority of group members**
- **Note: General Plan Amendments and ordinances are automatically heard by the BOS**



# PDS STAFF ASSISTANCE

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- **Provide CPG/CSG training for all members**
- **Provide project information**
- **Provide resolution to group problems**
- **Coordinate new member appointments and confirmations**
- **Interpret/recommend revisions to Policy I-1**
- **Recommend changes to group boundaries**
- **Recommend creation of new groups**



# GROUP EXPENSES

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- Members are reimbursed for expenses listed in Policy I-1
- Each reimbursement request shall not exceed \$100 (except for meeting hall and post office box rentals)
- Reimbursements must be received within three months of purchase or receipt of invoice
- Receipts are required for reimbursements
- County, under PDS authority, can pay direct for meeting space, legal ads, or P.O. Box, if necessary, within these limits.
- Meetings are to take place and have agendas
- Contact PDS prior to incurring any expenses not listed in Policy I-1. Some groups maintain their own (non-County) websites. Groups should notify PDS of any group managed websites. PDS may reimburse expenses related to group managed websites.



# REIMBURSABLE EXPENSES

Posting Public Notices in Newspaper

Postage

Copying

Office Supplies

Post Office Box Rentals

Meeting Hall Rentals (less than \$100/ hr)

Letterhead

Mileage for travel to County meetings



# QUESTION #1

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## **SITUATION:**

**A group member sells their property and changes their primary residence to a place outside of their Group's boundary.**

## **TRUE or FALSE:**

**The member can continue to serve as a Planning/Sponsor Group member.**



# ANSWER #1

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# FALSE

- **Planning group members must live within the Group's boundary area throughout their 4-year term.**
- **Sponsor group members must either own property or reside in the group area throughout their 4-year term.**
- **Members must resign from the Group when they no longer meet the above requirements**



# QUESTION #2

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## **SITUATION:**

**A resident was nominated to fill a vacancy. The group voted to appoint the resident as a group member.**

## **TRUE or FALSE:**

**The candidate may vote on action items at the next group meeting prior to Board of Supervisors confirmation.**



# ANSWER #2

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# FALSE

- **All appointments to vacant seats must be confirmed by the Board of Supervisors prior to any candidate taking action at a meeting**
- **All candidates must also complete the planning/sponsor group training course prior to being seated**



# QUESTION #3

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## SITUATION:

A group member leaves during a meeting leaving less than 50% of group members remaining.

## TRUE or FALSE:

The group may continue the meeting and take action on the remaining agenda items.



# ANSWER #3

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# FALSE

- **More than 50% of group members (quorum) must be present for a meeting to occur**
- **If a member leaves and there is no longer a quorum; then all agenda items must be continued to the next possible meeting**



# QUESTION #4

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## SITUATION:

Your group reviewed and recommended approval of a project. The group Chair voted to recommend denial of the project but the Planning Commission approved the project.

## TRUE or FALSE:

The Chair may appeal the Planning Commission's decision to the Board of Supervisors without group support.



# ANSWER #4

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# FALSE

- All appeals must be confirmed by a majority vote
- Appeals must be withdrawn if not supported by a group majority



# QUESTION #5

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## **SITUATION:**

**Group members are reimbursed for expenses listed in Policy I-1.**

## **TRUE or FALSE:**

**Group members must contact PDS staff prior to incurring any expense not listed in Policy I-1.**



# ANSWER #5

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# TRUE

- **Policy I-1 has a list of reimbursable expenses**
- **Group members must first obtain permission prior to incurring any expenses not specifically identified in Policy I-1**



# SECTION 2

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## THE RALPH M. BROWN ACT: CALIFORNIA'S OPEN MEETING LAW



# RALPH M. BROWN ACT

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- Authored by Ralph Milton Brown
- Passed into law in 1953
- Intent of Brown Act:

*“All meetings of a legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency...” Section 54953(a)*

- CA Government Code Sections 54950-54963



# PURPOSE OF BROWN ACT

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- **Facilitates public participation and access to all phases of decision-making**
- **Ensures the public has access to meeting documents and records**
- **Ensures that deliberations and actions are:**
  - **Open and accessible to the public**
  - **Held on a regular schedule**
  - **Adhering to a properly noticed agenda**



# DEFINING LEGISLATIVE BODY

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➤ *A legislative body is:*

- *“The governing body of a local agency or any other local body created by state or federal statute”*

**OR**

- *“A commission, committee, board, or other body of a local agency, whether permanent or temporary, decision-making or advisory, created by charter, ordinance, resolution, or formal action of a legislative body”*



# TYPES OF LEGISLATIVE BODIES

➤ The Brown Act applies to the following:

## Governing Bodies

- Board of Supervisors; City Councils; and School Boards

## Appointed Bodies

- Planning Commission; Sponsor Groups

## Standing Committees

- Planning Group Subcommittees; Budget Committees

## New Members

- Unseated newly elected or appointed members



# PLANNING AND SPONSOR GROUPS

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- **Planning/sponsor groups are considered legislative bodies because they are:**
  - **Advisory in nature**
  - AND**
  - **Created by a formal action of the Board of Supervisors**
  
- **Pursuant to the Government Code and Policy I-1, all members must comply with the Brown Act to receive defense and indemnification from the County**



# DEFINITION OF MEETING

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- ***“Any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains” Section 54952.2(a)***
- **No meetings shall take place without being properly noticed and posting an agenda 72 hours in advance of the meeting**



# DEFINING COLLECTIVE CONCURRENCE

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- **Collective Concurrence occurs when the majority of a group's members are made aware of each other's views and reach a decision after the interaction between or among themselves**
- **Any use of direct communication, personal intermediaries, or technological devices employed by a majority of the members to develop a “collective concurrence” is considered a meeting and is strictly prohibited**



# TYPES OF COLLECTIVE CONCURRENCE

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- **Discussing or sharing each other's views on a project or issue among a majority of members through a series of:**
  - **Emails**
  - **Text messages**
  - **Phone conversations**
  - **Face-to-face conversations**
- **Sharing each other's views through personal intermediaries or straw polls**
- **Developing collective concurrence is a violation of the Brown Act and is prohibited**



# SERIAL MEETINGS

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- Serial meetings are another means of developing collective concurrence
- Serial meetings occur through a series of communications involving less than a majority of members, but when taken as a whole constitute a group majority
- Serial meetings are strictly prohibited
- There are two types of serial meetings:
  - Daisy Chain
  - Hub and Spoke



# DAISY CHAIN SERIAL MEETINGS



- Member A contacts Member B
- Member B contacts Member C
- Member C contacts Member D  
and
- So on, until a majority has discussed, deliberated, or taken action on an item



# HUB & SPOKE SERIAL MEETING



- Member A contacts Member B
- Member A contacts Member C
- Member A contacts Member D  
and
- So on, until a majority has discussed, deliberated, or taken action



# MEETING EXCEPTIONS

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- Below are meeting exceptions that may occur provided a majority of group members do not discuss group business:
  1. **Individual Contact** between a group member and a non-group member
  2. **Conferences** that are open to the public and involve a discussion of issues of general interest to the public
  3. **Community Meetings** held by another organization addressing a topic of community concern



# MEETING EXCEPTIONS

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- Below are meeting exceptions that may occur provided a majority of group members do not discuss group business:
  4. **Social or Ceremonial Events** that take place in the community, such as festivals
  5. **Standing Committees:** Group members may attend subcommittee meetings as observers
  6. **Other Legislative Bodies:** Open and publicized meeting of
    - (a) another body of the local agency or
    - (b) legislative body of another local agency



# MEETING LOCATIONS

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- Meeting locations must be fully accessible pursuant to the Americans with Disabilities Act
- Groups may not discriminate against attendees on the basis of race, religion, color, national origin, sex, ancestry, ethnic group identification, age, sexual orientation, etc...
- Generally, group meetings must be held within the group's boundaries *Section 54954(b)*



# COMPOSING MEETING AGENDAS

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- Each item on the agenda must include:
  - Brief general project description
  - Project location (address and/or parcel #)
  - Date, time, and place of meeting
  - Opportunity for the public to comment
- Agenda items should be heard based on their order in the posted agenda
- Continued Items should be placed first on the next meeting's agenda



# POSTING MEETING AGENDAS

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- Meeting agendas must be posted:
  - At least 72 hours prior to a meeting
  - Outside of the meeting location
  - In a public place that is freely accessible 24 hours a day
    - Examples: Building Door, Bulletin Board, or Window
- No agenda changes can be made less than 72 hours before a meeting
- County will post group agendas online, if received at [CommunityGroups@sdcounty.ca.gov](mailto:CommunityGroups@sdcounty.ca.gov)



# POSTING MEETING AGENDAS

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- **Posting agendas online may supplement but not replace publicly posting agendas**
- **Meeting agendas must be available in alternative formats for persons with disabilities**
- **When no quorum is present and a meeting must be continued, a notice of adjournment must be posted at the meeting location**



# REGULAR vs. SPECIAL MEETINGS

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- **Regular Meetings** are held at established dates, times, and locations
- **Special Meetings** are called to discuss specific topics or items
  - Notices serve as agendas and specify the business to be discussed
  - Notices must be posted 24 hours prior to a special meeting
  - Notices are given to each newspaper and television and radio stations upon request



# ADDRESSING NON-AGENDA ITEMS

- Action or discussion of non-agenda items by planning/sponsor groups is **prohibited**

For non-agenda items, Groups may:

- Place the item on a future agenda
- Ask a question for clarification
- Make a brief announcement
- Make a brief report on activities
- Provide a reference for factual information
- Ask to report back at a subsequent meeting



# **PUBLIC'S RIGHT TO ATTEND MEETINGS**

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- **All group meetings are open to the public**
- **All members of the public may attend and observe all group meetings**
- **Groups cannot require the public to register, provide other information, complete a questionnaire, or fulfill any other condition to attend a meeting**
  - **Any attendance list, register, questionnaire, or similar document must clearly state that they are voluntary**



# **PUBLIC'S RIGHT TO PARTICIPATE**

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- **Members of the public must be allowed to:**
  - **Speak on any item within group's purview**
  - **Speak on specific items before or during the group's consideration of an item**
  - **Criticize policies, procedures, programs, or services of the County or your group**
- **If a person or group willfully disrupts a meeting such that orderly conduct becomes unfeasible, the meeting room may be cleared and the meeting continued with only the media present.**



# **PUBLIC'S RIGHT TO RECORD MEETINGS**

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- **Public is permitted to record meetings using audio or video tape recorders, as well as still or motion picture cameras**
- **Recording or broadcasting meetings cannot be prohibited or restricted unless a reasonable finding is made that the noise, illumination, or obstruction of view constitutes a persistent disruption of the proceedings**



# **PUBLIC'S RIGHT TO ACCESS RECORDS**

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- **Documents distributed to groups are public records subject to the Public Records Act**
- **All written materials distributed during a meeting must be made public:**
  - **At the meeting if prepared by a local agency or a member of a legislative body; OR**
  - **After the meeting if prepared by some other person**
- **Materials distributed less than 72 hours prior to a meeting must be available to the public at time of distribution**



# POTENTIAL CIVIL ACTIONS

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- **The District Attorney or others may file a civil action asking a court to:**
  - **Stop or prevent violations or threatened violations**
  - **Determine applicability of the Brown Act to actions or threatened future actions**
  - **Determine whether any rule or action is valid under the law**
- **Plaintiffs may seek court costs and attorney fees**



# CRIMINAL VIOLATIONS/PENALTIES

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- Members may be found guilty of a misdemeanor if:
  - They attend a meeting where action is taken in violation of the Brown Act

AND

- They intend to deprive the public of information that they know or have reason to know the public is entitled to



# QUESTION #6

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## SITUATION:

A newly elected/appointed planning or sponsor group member, who has not yet been seated, has engaged in a series of emails and texts with a majority of the group discussing a future agenda item.

## TRUE or FALSE:

The newly elected/appointed member and the seated members have violated the Brown Act.



# ANSWER #6

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# TRUE

- All newly elected or appointed group members who have not yet been seated are subject to the provisions of the Brown Act
- A majority of group members may not discuss any group business via text or email
- All group business must be discussed during an agendaized public meeting



# QUESTION #7

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## SITUATION:

An applicant requests a project be added to the agenda less than 72 hours before a meeting. The Chair does not add the project to the agenda. However, the applicant attends the meeting and requests the group discuss and take action on the project.

## TRUE or FALSE:

The Group may discuss and take action on the applicant's project since the applicant is attending the meeting.



# ANSWER #7

---

# FALSE

- **Groups cannot take action on or discuss any item or project not on the posted agenda**
- **Instead a group may:**
  - **Ask questions for clarification**
  - **Make a brief announcement**
  - **Make a brief report on activities**
  - **Provide a reference for factual information**
  - **Request to report back in a subsequent meeting**
  - **Place the matter on a future agenda**



# QUESTION #8

---

## SITUATION:

The meeting agenda was posted 72 hours in advance of the next meeting. A fellow group member requested that the Chair add an action item to the posted agenda within 72 hours of the meeting.

## TRUE or FALSE:

The action item may be added to the agenda as long as the agenda is reposted before the meeting.



# ANSWER #8

---

# FALSE

- **Posted agendas may not be revised less than 72 hours prior to a meeting**
- **Agendas may be revised up to 72 hours before a meeting**
- **Action items may not be added during a meeting**



# SECTION 3

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# CALIFORNIA PUBLIC RECORDS ACT



# CALIFORNIA PUBLIC RECORDS ACT

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In enacting the Public Records Act , the Legislature, mindful of the right of individuals to privacy, declared *“that access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state”* Gov’t Code §6250



# CALIFORNIA PUBLIC RECORDS ACT

---

- **Government Code Section 6250 et seq. allows access to “public records”**
- **“Public records” includes:**
  - **“any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.” *Gov’t Code §6252(e)***



# WHAT CONSTITUTES A “WRITING”

---

- **“Writing” means:**
  - **“any handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording ... regardless of the manner in which the record has been stored.” *Gov’t Code § 6252(g)***



# PUBLIC RECORDS ACT REQUESTS

---

- **Public Records Act requests must:**
  - **Reasonably describe identifiable public records** *Govt Code § 6253(b)*
  - **Be focused and specific, and clear enough so that the agency can determine which records are being sought**



# GROUPS ARE SUBJECT TO A REQUEST

---

- **Planning and sponsor groups are subject to Public Records Act requests**
- **All writings related to planning and sponsor group business may need to be disclosed upon request**
- **You may need to disclose public records in your possession – INCLUDING emails and text messages**



# DISCLOSURE EXEMPTIONS

---

- **The Public Records Act includes certain exemptions from disclosure to protect reasonable privacy interests, but unless an exemption applies, responsive records must be disclosed**
- **County staff can assist with questions if your group is subject to a Public Records Act request**



# QUESTION #9

---

## SITUATION:

The County receives a Public Records Act request from an interested citizen requesting all correspondence, received by or sent by a planning/sponsor group and any of its members, relating to a development project.

## TRUE or FALSE:

The group members must disclose all emails, text messages, and other correspondence in their possession, that relate to the project, unless an exemption applies.



# ANSWER #9

---

# TRUE

- **Each group member must review his or her files, computer, and cell phone for records that are responsive to the Public Records Act request. The group should work with County staff to disclose all records responsive to the request, unless particular records are determined to be exempt from disclosure.**



# SECTION 4

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## CONFLICT OF INTEREST AND FINANCIAL DISCLOSURE



# CONFLICT OF INTEREST

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- **Conflict of interest exists when your private financial interests conflict with your official responsibilities**
- **A public trust is placed upon all group members that must always be respected**
- **Example: A group member who votes on a project involving a business or property that he or she owns has a conflict of interest**



# CONFLICT OF INTEREST

---

- You may not engage in any activity where there is a conflict between your private interests and the interests of the community
- Members are encouraged to avoid situations that could give the appearance of a conflict
- If a conflict arises you must recuse/disqualify yourself from taking part in the group discussion and vote



# CONFLICT OF INTEREST CODES

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- **The Political Reform Act requires the adoption of Conflict of Interest Codes**
  - **Government Code Section 81000 et seq**
- **Conflict of Interest Codes have been adopted for all Planning/Sponsor Groups**
- **Conflict of Interest Codes for each Planning/Sponsor Group can be found at the Clerk of the Board of Supervisors:**

[http://www.sandiegocounty.gov/cob/conflict\\_interest/index.html](http://www.sandiegocounty.gov/cob/conflict_interest/index.html)



# FINANCIAL DISCLOSURE

---

- **ALL group members are required to:**
  - **File Form 700 Statement of Economic Interests**
  - **Recuse themselves when they have a financial interest in a decision**
  - **Publicly disclose economic interests when recusing/disqualifying themselves**



# WHEN TO FILE FORM 700 STATEMENTS

---

- Financial disclosure statements must be filed:
  - When filing petition for nomination with Registrar of Voters (planning groups only)
  - Within 30 days of assuming office
  - Annually by March 31 (seated members)
  - Within 30 days of leaving office
- Form 700 statements must be filed timely and accurately



# WHERE TO FIND FORM 700

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➤ Available from the FPPC at:

- <http://www.fppc.ca.gov>
- **1-866-ASK-FPPC (1-866-275-3772)**



# WHAT TO DISCLOSE ON FORM 700

**Investments**

**Interests in Real Property (not principal residence)**

**Commission, Income and Loans to Business Entities**

**Income From Rental Property**

**Income (other than loans and gifts)**

**Income from Loans and Gifts**

**Business Positions**



# RECUSALS AND DISQUALIFICATIONS

---

- You cannot influence or vote on any decision that you know or have reason to know will have a reasonably foreseeable material financial effect on your economic interests
- You must disclose any disqualifying interests and recuse/disqualify oneself
- Your determination not to act and disclosure of disqualifying interests is a public record



# DEFINING MATERIAL FINANCIAL EFFECT

---

- Any business entity or real property in which you have an investment worth \$2,000 or more
- Any source of income totaling \$500 or more provided to, received by, or promised to you within 12 months prior to a decision
- Any business entity that you are a director, officer, partner, trustee, employee, or hold any position of management
- Any donor of a gift(s) totaling \$250 or more provided to, received by, or promised to you within 12 months prior to decision



# PERSONAL INTERESTS

---

- You may represent your personal interests before the group if you recuse/disqualify yourself
- 'Personal interests' include:
  - Any interest in real property wholly owned by you or your immediate family
- OR
- A business entity which is either wholly owned by you or your immediate family; or is under your sole direction and control or the sole direction and control of you and your spouse jointly



# BRIBERY OR GRAFT

---

- You may not solicit, accept, or agree to accept anything of value in return for performing or refraining from performing your membership duties
- You may not use your position to:
  - Use information that is not available to the public to secure private gain for you or your family
  - Induce or coerce, or appear to induce or coerce any person or entity to provide financial benefit to yourself or other entity or person



# GRATUITIES

---

- You **cannot** solicit or accept any gift(s), gratuity, favor, entertainment, loan or any other thing of monetary value **totaling \$250 or more**, either directly or indirectly, from any person, firm, corporation, or other entity which would benefit materially from the outcome of a group decision.
- You must report any acceptance of gratuities totaling \$50 or more, and recuse/disqualify yourself from participating in group activities related to the person, firm, corporation, or other entity responsible for the gratuity.
- Note: These are the limits in BOS Policy I-1



# CAMPAIGN CONTRIBUTIONS

---

- Candidates for membership may not accept or receive any campaign contributions:
  - That will cause the total amount contributed by the same person to exceed the sum of \$250
- Note: These are the limits in BOS Policy I-1



# ETHICS TRAINING

---

- All members must complete the state mandated ethics training:
    - Within first year of being seated
- AND**
- Every two years after the initial training



# ACCESSING ETHICS TRAINING

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- **State mandated ethics training is available:**
  - **Fair Political Practices Commission:**  
<http://www.fppc.ca.gov>
  - **Self-Study (reading materials and test)**
- **Upon completion, forward your training certificate to the Clerk of the Board to receive credit for taking the training**



# QUESTION #10

---

## SITUATION:

You are a planning group member and a project is proposed on land you partially own. Your investment in the land and project exceeds \$2,000. The project is before your group for a recommendation.

## TRUE or FALSE:

You must recuse/disqualify yourself from taking any action on your project and then state the reasons for your disqualification.



# ANSWER #10

---

# TRUE

- You must disqualify or recuse yourself from taking any action that you know or have reason to know will have an effect on your private financial interests
- You must disclose your disqualifying interest as a matter of public record when recusing yourself



# QUESTION #11

---

## SITUATION:

8 months ago a resident in your group's area gave you a gift exceeding \$250. Now, that resident is proposing a project that is before your group for a recommendation.

## TRUE or FALSE:

You may vote on the proposed project that would financially benefit the resident.



# ANSWER #11

---

# FALSE

- You must recuse/disqualify yourself if you received gifts worth \$250 or more within 12 months prior to a decision from the applicant
- You must disclose your disqualifying interest
- You cannot receive anything of value in return for performing or refraining from performing your duties



# SECTION 5

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## LEGAL DEFENSE AND INDEMNIFICATION



# LEGAL DEFENSE AND INDEMNIFICATION

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- Provided to encourage the fullest possible participation of qualified and interested residents as members
- Located in Article VIII of Policy I-1 Bylaws
- Defense and indemnification may be declined under certain circumstances
- County is not authorized to pay any part of a claim or judgment for punitive or exemplary damages



# LEGAL DEFENSE AND INDEMNIFICATION

---

- **Planning/sponsor group members must meet all of the prerequisites in Policy I-1, including:**
  - **Complete Annual Planning/Sponsor Group Training**
  - **Complete state mandated ethics training**
  - **Accurately and timely file Form 700 Economic Disclosure Statements**



# DEFENSE AND INDEMNIFICATION

**You are an elected or appointed member at the time alleged act or omission occurred**

**Alleged act or omission occurred during a lawful group or sub-committee meeting**

**Alleged act or omission was within reasonable scope of group duties and was not in violation of Policy I-1 or adopted By-Laws**

**Completed County's most recent planning/sponsor group training**

**Submitted written request to County Counsel within 5 business days of being served legal papers**

**Duties were performed in good faith with such care as an ordinarily prudent person in a like position would use under similar circumstances**

**Completed the most recent state mandated biennial ethics training**

**Financial disclosure statements filed timely and accurately**



# DEFENSE AND INDEMNIFICATION

---

- The County may decline defense and indemnification if any of the following conditions exist:
  - You do not reasonably cooperate in good faith with County Counsel in the defense of the claim for action
  - You acted or failed to act because of fraud, corruption, actual malice, or bad faith
  - You have more than 1 prior substantiated violation of the Brown Act or Policy I-1



# SECTION 6

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## PLANNING AND CEQA PROCESSES



# PLANNING PROCESS

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- **Planning = process of deciding how a community uses land and other resources**
- **Planning involves analyzing environmental and socioeconomic impacts of development**
- **Planning decisions in unincorporated community require County approval**
- **State law requires the County to adopt a comprehensive, long-term General Plan to guide physical development**



# GENERAL PLAN

---

- **Board of Supervisors adopted the General Plan Update in August 2011**
  
- **Provides foundation for decisions that will:**
  - **Affect the future location of housing, business, roads, parks, and other uses**
  
  - **Protect the public from noise, natural, and manmade hazards**
  
  - **Conserve natural resources**



# GENERAL PLAN

---

- Sets goals and policies that guide long-term physical development in the County
- Establishes standards for population density, building intensity, and distribution of land uses
- General Plan consists of two parts:
  - Text: Goals/policies directing land development
  - Maps: Maps/diagrams illustrating distribution of land uses, major road system, open space, hazard areas, etc...



# REQUIRED GENERAL PLAN ELEMENTS

---

- General Plans are required to have the following seven elements:
  - 1. Land Use:** designates general location and intensity of housing, business, open space, public facilities, and other land uses
  - 2. Circulation (Mobility):** identifies location of existing and proposed major roads and transportation routes
  - 3. Housing:** assesses current and projected housing needs and identifies policies and programs to address needs



# REQUIRED GENERAL PLAN ELEMENTS

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- 4. Conservation:** addresses conservation, use, and development of natural resources
- 5. Open Space:** details plans for preserving open space and agriculture
- 6. Noise:** identifies noise problems and forms basis for distributing land uses
- 7. Safety:** establishes policies to protect communities from natural and manmade hazards



# COUNTY'S GENERAL PLAN ELEMENTS



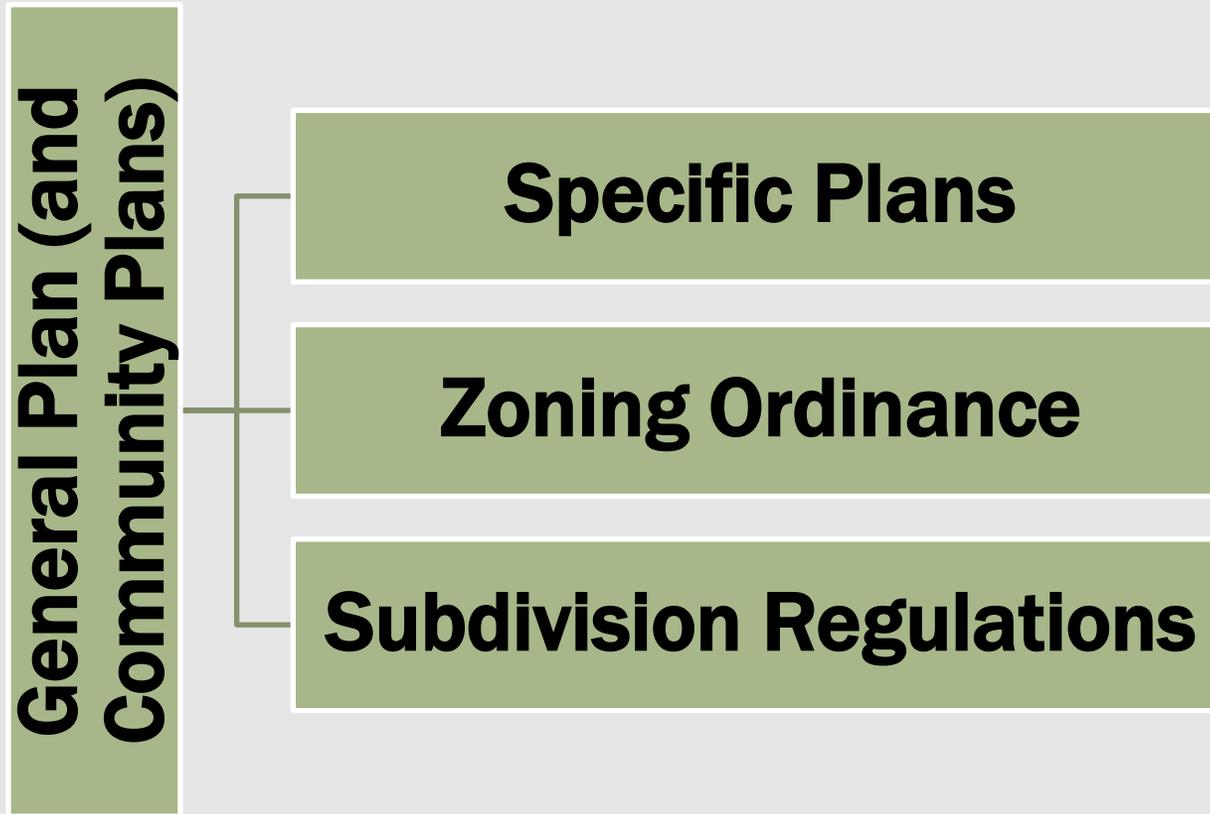
# GENERAL PLAN CONSISTENCY

---

- **General Plan is basis for all land use decisions**
- **All zoning, subdivisions, and public works projects must be consistent with the General Plan in order to be approved**
- **General Plan must be internally consistent and not conflict with other parts of the Plan**
  - **Elements cannot conflict with each other**
- **Each General Plan Element may only be amended four times per calendar year**



# GENERAL PLAN IMPLEMENTATION



- **Specific Plans, Community/Subregional Plans, and the Zoning and Subdivision Ordinances implement the General Plan**



# COMMUNITY PLANS

---

- **Community Plans focus planning efforts onto a smaller area or neighborhood**
- **26 Community and Subregional Plan Areas**
- **Considered part of the General Plan**
- **Addresses issues important to a community and supplements General Plan policies**
- **Community/Subregional Plan must be consistent with the General Plan in all respects**



# SPECIFIC PLANS

---

- **Implements, but is not technically a part of, the General Plan**
- **Describe allowable land uses, identify open space, and detail infrastructure availability and financing for a portion of a community**
- **Must be consistent with the General Plan**
- **Zoning, subdivision, and public work projects must comply with provisions of the Specific Plan**



# ZONING ORDINANCE

---

- **Regulates land uses within the community**
- **Assigns each property a zone that describes rules under which land may be utilized**
- **Each zone identifies allowable uses and sets standards such as minimum lot size, building height limits, and building setbacks**
- **Zoning Use Regulations:**
  - **Residential (R)**
  - **Commercial (C)**
  - **Manufacturing (M)**
  - **Agricultural (A)**
  - **Special Purpose (S)**



# ZONING ORDINANCE

---

- **Distribution of zones is based on the land use pattern established in the General Plan**
- **Zoning use regulations establish in specific terms the range of uses that are allowed by the General Plan**
- **Zoning maps illustrate how zones have been distributed**
- **Zoning is adopted by ordinance and land may be only put to those uses listed in the zoning use regulations assigned to it**



# REZONING

---

- **If property owner proposes a use that is not allowed in the current zone, then a rezone is required**
- **Rezoning requires a recommendation of the planning/sponsor group and planning commission**
- **Rezoning is approved by the Board of Supervisors at a public hearing**



# LEGISLATIVE ACTS

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- **What is a legislative action by the Board of Supervisors?**
  - **A law of broad application (i.e., ordinance, general plan amendment) passed by the BOS.**



# PERMIT TYPES

---

- **2 permit types that authorize development:**
  - **Ministerial Permits**
  - **Discretionary Permits**
  
- **Permit type depends on:**
  - **Nature of the proposed project or use**
  - **Categorization of a use in local ordinances**
  - **Various regulations affecting a property**



# DISCRETIONARY PERMITS

---

- **Subject to the evaluation, judgment, and approval or denial by the local planning authority (Planning Commission, Board of Supervisors)**
- **Requires findings (reasons for approval/denial) to approve/deny project**
- **Have conditions of approval that must be satisfied**
- **Examples: Use Permits & Subdivision Maps**
- **Ministerial permits are generally required following approval of a discretionary permit**



# MINISTERIAL PERMITS

---

- **Receive automatic approval upon demonstrating conformance with applicable requirements**
- **Not subject to discretion**
- **No decision maker decides whether or not a proposed use should be allowed**
- **Examples: Building Permits; Well Permits; Electrical Permits**
- **Not subject to California Environmental Quality Act (CEQA)**



# VARIANCES

---

- **A variance is a limited waiver of development standards allowed by the Zoning Ordinance. Before any variance may be granted or modified, all of the following shall be found:**
  - a. That there are special circumstances applicable to the property, including size, shape, topography, location or surroundings, that do not apply generally to property in the same vicinity and under identical zoning classification;
  - b. That, because of those special circumstances, the strict application of the Zoning Ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification;
  - c. That granting the variance or its modification is subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated;
  - d. That the variance will not authorize a use or activity which is not otherwise expressly authorized by the applicable use classification;
  - e. That granting the variance or its modification will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements in the vicinity and zone in which the property is located; and
  - f. That granting the variance or its modification will not be incompatible with the San Diego County General Plan.



# MAJOR AND MINOR USE PERMITS

---

- **Some land use types are only allowed upon approval of a major or minor use permit after a public hearing**
- **The Zoning Ordinance specifies the uses for which a major or minor use permit is required, zones they may be allowed in, and the public hearing procedure**
- **Use permits impose special conditions to ensure a use will not be detrimental to surroundings**
  - **Examples: landscaping, soundproofing, limited hours of operation, road improvements, additional parking**



# SUBDIVISION ORDINANCE

---

- **Dividing land for sale, lease, or financing is regulated by County's subdivision ordinance and the state Subdivision Map Act**
- **Land cannot be subdivided without approval**
- **County's subdivision ordinance:**
  - **Regulates lot size and subdivision design**
  - **Requires dedications of public improvements or related impact fees**
  - **Requires compliance with General Plan**



# SUBDIVISION REGULATIONS

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- **Two types of subdivisions:**
  - **Tentative Parcel Map:** subdivisions resulting in four or fewer lots
  - **Tentative Map:** subdivisions resulting in five or more lots
- **Subdivisions are approved in two stages:**
  - **Tentative Map**
  - **Final Map**



# TENTATIVE MAP STAGE

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- **Tentative Map and Tentative Parcel Maps are considered tentative maps**
- **Map is reviewed for compliance with General Plan and subdivision ordinance**
- **Environmental review is conducted**
- **If approved, map is subject to conditions of approval that must be satisfied within a specific time period**
- **Lots are not officially approved until a final map is recorded**



# FINAL MAP STAGE

---

- **When all conditions of approval are satisfied, the Board of Supervisors will approve a final map**
- **Final map must be approved if it substantially complies with the previously approved tentative map**
- **Map may be recorded at the County Recorder's office upon final map approval**



# PURPOSE OF CEQA

---

- **California Environmental Quality Act (CEQA) was enacted in 1971**
- **Requires local governments to consider a project's potential environmental impacts before making a decision on it**
- **Purpose of CEQA is to:**
  - **Inform the public and decision-makers about environmental impacts**
  - **Avoid or mitigate significant environmental impacts with feasible measures**
  - **Disclose why projects with significant impacts are approved**



# DEFINITION OF “PROJECT”

---

- Whole of an action, which has a potential for resulting in either a direct physical change, or a reasonably foreseeable indirect physical change to the environment
- A “project” can be any of the following:
  - Activity of a public agency
  - Activity of someone who receives assistance (grant or loan) from a public agency
  - Activity involving issuance of a lease, permit, certificate, or other entitlement by a public agency



# LEAD AGENCY

---

- **Lead Agency**: agency with principal responsibility for issuing permits for a project or for carrying out a project
- Responsible for analyzing possible environmental impacts and determining whether or not a project will significantly impact the environment
- County is usually the lead agency



# CEQA DOCUMENTS

## Notices of Exemption

- Minor projects not requiring environmental review

## Environmental Initial Studies

- Identifies project's environmental impacts

## Negative Declarations

- Prepared when a project will not have significant environmental impacts or has been redesigned to eliminate any significant impacts

## Environmental Impact Reports

- Prepared when significant environmental impacts are identified



# CEQA EXEMPT PROJECTS

---

- Many minor projects are exempt from CEQA
- No environmental review required
- Two types of CEQA exemptions:
  - **Statutory:** Specific projects or classes of projects designated by the State
    - Example: Ministerial Projects; Family Day Care Homes
  - **Categorical:** Projects predetermined not to have a significant environmental effect
    - Examples: Minor alterations of land; Conversion of a small structure
- CEQA Guidelines Section 15183 allows a streamlined environmental review process for projects that are consistent with the densities established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified.



# ENVIRONMENTAL INITIAL STUDY

---

- **When not exempt from CEQA, an initial study is prepared to identify a project's potential adverse environmental impacts**
- **The Initial Study will:**
  - **Identify areas requiring more information**
  - **Be updated throughout the review process**
  - **Support the Negative Declaration**
  - **Be distributed during public review with the Negative Declaration**



# NEGATIVE DECLARATIONS

---

- Prepared when a project will not have significant environmental impacts or has been redesigned to eliminate any significant impacts
- **Negative Declaration (ND):** Describes why a project will not have significant environmental impacts
- **Mitigated Negative Declaration (MND):** Describes project with mitigation measures to ensure there are no significant impacts
- There is 20- to 30-day public review period



# EXAMPLES OF MITIGATION MEASURES

Avoiding impacts by not taking action or parts of an action

Minimizing impacts by limiting degree of an action and its implementation

Rectifying impact by repairing, rehabilitating, or restoring impacted resource

Reducing or eliminating impacts over time by preservation or maintenance operations

Compensating for impacts by replacing or providing substitute resources



# ENVIRONMENTAL IMPACT REPORT (EIR)

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- **Environmental Impact Reports describe:**
  - **Proposed project**
  - **Environmental setting of the project**
  - **Probable environmental impacts**
  - **Means of reducing or eliminating impacts**
  - **Cumulative impacts in the context of surrounding development**
  - **Feasible alternatives to the project**
- **30- to 45-day public review period**



# ENVIRONMENTAL IMPACT REPORT (EIR)

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## ➤ Purpose of EIR:

- Provide public agencies and public with detailed information about a project's environmental impacts
  - List ways of minimizing significant environmental impacts
  - Identify project alternatives
- EIRs may conclude that there are no feasible ways of eliminating all significant impacts, even after mitigation measures and project alternatives are considered



# PROJECT APPROVAL

---

- **The lead agency (County) must certify the adequacy of the environmental document (ND, MND, or EIR) before approving projects**
- **If there are unavoidable significant impacts, the lead agency must state, in writing, its overriding considerations for granting approval of a project**
- **When mitigation measures are required, the lead agency must enact a program for reporting or monitoring implementation of mitigation measures**



# PREVIOUSLY APPROVED PROJECTS

---

- Modifications to previously approved projects may require additional environmental review
- **15162 Findings:** Identify whether a project will have new environmental impacts that were not previously reviewed or identified
- **Addendum:** Prepared if no new significant impacts are identified in 15162 Findings
- **Subsequent and Supplemental EIR/MND:** Prepared if new significant environmental impacts are identified and requires a public review period



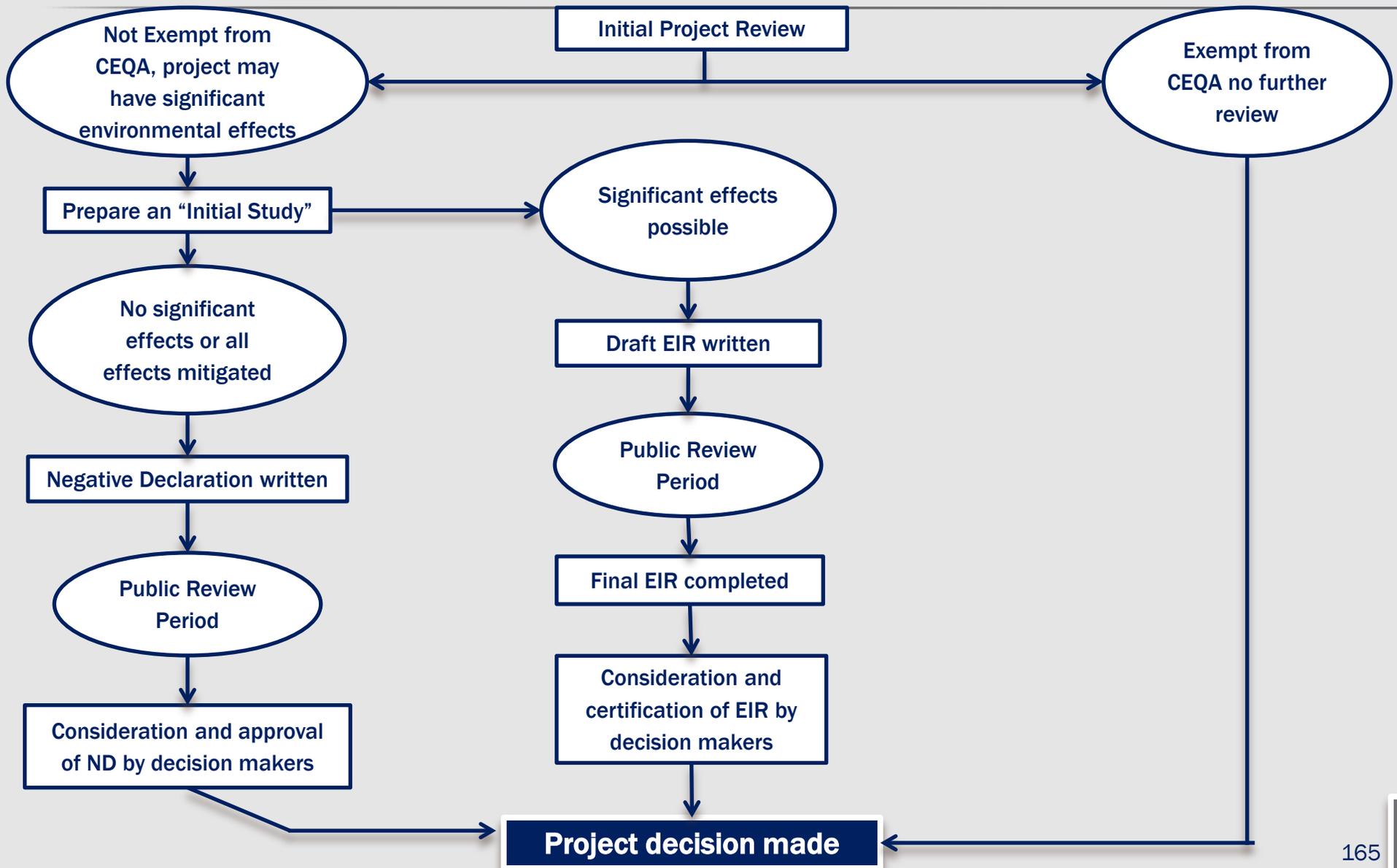
# FURTHER ENVIRONMENTAL REVIEW

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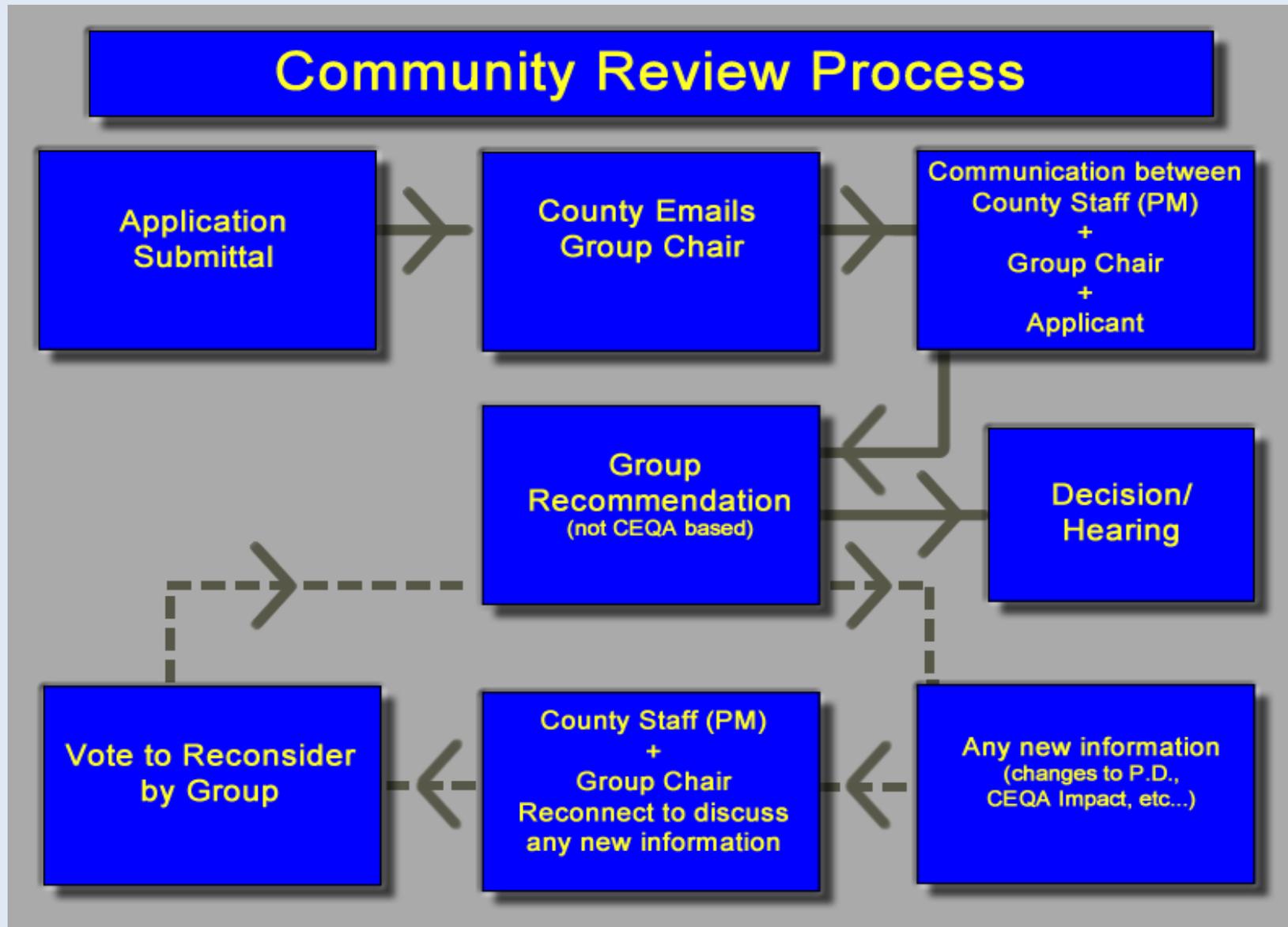
- **CEQA limits further environmental review to:**
  - **Substantial changes that require major revisions to previous CEQA document**
  - **Substantial changes to circumstances under which project was undertaken which require major revisions to previous CEQA document**
  - **New substantially important information, which was not known and could have not been known with the exercise of reasonable diligence, shows that a project will have additional impacts**



# SIMPLIFIED CEQA FLOW CHART



# COMMUNITY REVIEW PROCESS



# PRE-APPLICATION MEETINGS

---

- Preliminary review of a project or concept
- Required for larger, more complex projects
- Staff identifies potential:
  - Major project issues
  - Inconsistencies with ordinances and regulations
  - Environmental impacts and required studies
  - Processing costs and schedule



# APPLICATION SUBMITTAL

---

- **PDS project manager coordinates with:**
  - **Planning and Sponsor Groups**
  - **County departments (DPW, DPR, DEH)**
  - **Non-County agencies (Fire Authorities)**
- **Plot plans/maps, project description, and project application are forwarded**
- **30 day scoping period begins pursuant to the Permit Streamlining Act**



# SCOPING LETTER

---

- **Scoping letter issued to applicant identifies:**
  - **Studies needed to evaluate impacts and consistency with ordinances/regulations**
    - **Traffic, Biology, Noise, Cultural, etc...**
  - **Draft conditions of approval**
  - **Planning and sponsor group comments**
  - **Comments from County departments and outside agencies**
  - **Any other information needed to complete staffs evaluation of impacts**



# ITERATION REVIEW CYCLE

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- Iteration letters are issued after applicants submit the information and/or studies requested in the Scoping Letter
- Iteration letters are issued until:
  - Information gathering is complete
  - OR
  - No further changes are needed to address identified issues
- Project is deemed complete when no more iterations are required



# PUBLIC REVIEW PERIODS

---

- When a project is deemed complete, the conditions of approval and associated environmental document are finalized
- Once finalized, the ND, MND, or EIR are made available for a public review period
  - **ND/MNDs:** typically have 30-day review periods
  - **EIRs:** typically have 45-day review periods
- Planning/sponsor groups and the public may comment on CEQA documents during the public review period



# FINALIZE CONDITIONS OF APPROVAL

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- **Conditions of approval are finalized after the CEQA public review period ends and may include CEQA mitigation measures**
- **All conditions of approval must be satisfied**
- **Conditions must be satisfied at different timing intervals based on the project**
- **Once conditions are finalized, a hearing report is prepared and presented to County decision-maker(s) for decision**



# STAFF/HEARING REPORTS

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- **Staff/hearing reports are prepared when projects are ready for decision of approval or denial by County decision-makers**
- **Staff/hearing reports include:**
  - **Planning/sponsor group recommendation**
  - **An evaluation of a project's consistency with applicable ordinances/regulations**
  - **Staff's Recommendation**
  - **Draft findings and conditions of approval**
  - **CEQA determination**



# DECISION-MAKING HIERARCHY

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# BOARD OF SUPERVISORS (BOS)

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- **5 members serving two 4-year terms**
- **County's governing body responsible for adopting laws, policies, and programs**
- **Approves County ordinances, resolutions, and contracts**
- **Adopts annual budget and allots revenues**
- **Makes and confirms appointments for CAO, County Counsel, Probation Officer, Clerk of the Board, Air Pollution Control Officer and all County Boards and Commissions**



# PLANNING COMMISSION (PC)

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- **7 commissioners appointed by BOS**
- **Terms expire when the term of the Supervisor who nominated them expires**
- **Planning Commission advises BOS on land use planning issues and projects**
- **Planning Commission public hearings occur:**
  - **One Friday each month or more if needed**
  - **At 5520 Overland Ave, San Diego 92123**
  - **Beginning at 9:00 a.m.**



# ZONING ADMINISTRATOR (ZA)

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- **PDS Director or his/her designee serves as Zoning Administrator**
- **Typically reviews, hears, and acts on Minor Use Permits**
- **Occasionally reviews, hears, and acts on Administrative Permits and Variances**
- **Zoning Administrator public hearings occur:**
  - **One Thursday each month, as needed**
  - **At 5520 Overland Ave, San Diego 92123**
  - **Beginning at 8:30 a.m.**



# PDS DIRECTOR

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- **PDS Director is Mark Wardlaw**
- **Director reviews and decides upon Administrative Permits, Variances, Site Plan Permits, and Tentative Parcel Maps**
- **No public hearings are involved in PDS Director decisions**
- **PDS notifies planning/sponsor groups of all PDS Director decisions**



# PUBLIC HEARINGS

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- **During public hearings, decision-makers consider the following:**
  - **Information in staff report**
  - **Staff's presentation**
  - **Comments from planning/sponsor groups**
  - **Correspondence received prior to hearing**
  - **Public testimony/presentations at hearing**
  - **Subsequent discussion among decision-makers**



# PROJECT APPEALS

- Depending on the project type and zoning regulations, some decisions below the BOS are subject to an appeal process





# USEFUL RESOURCES



Planning & Development Services: <http://www.sandiegocounty.gov/content/sdc/pds.html>

Planning/ Sponsor Groups: <http://www.sandiegocounty.gov/pds/CommunityGroups.html>

General Plan and Community Plans:

<http://www.sandiegocounty.gov/content/sdc/pds/generalplan.html>

Policy I-1: <http://www.sandiegocounty.gov/content/dam/sdc/cob/docs/policy/I-1.pdf>

Zoning Ordinance: <http://www.sandiegocounty.gov/content/sdc/pds/zoning.html>

County Subdivision Ordinance:

<http://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/docs/SubdivisionOrdinance.pdf>

Brown Act:

[http://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=GOV&division=2.&title=5.&part=1.&chapter=9.&article=](http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=2.&title=5.&part=1.&chapter=9.&article=)

CA Planning Guide: [https://www.opr.ca.gov/docs/California\\_Planning\\_Guide\\_2005.pdf](https://www.opr.ca.gov/docs/California_Planning_Guide_2005.pdf)

Political Reform Act: <http://www.fppc.ca.gov/the-law/fppc-regulations/regulations-index.html>

Conflict of Interest Codes: [http://www.sandiegocounty.gov/content/sdc/cob/conflict\\_interest.html](http://www.sandiegocounty.gov/content/sdc/cob/conflict_interest.html)

CEQA Guidelines: <http://resources.ca.gov/ceqa/guidelines/>

CA Planning Guide: [http://opr.ca.gov/docs/California\\_Planning\\_Guide\\_2005.pdf](http://opr.ca.gov/docs/California_Planning_Guide_2005.pdf)



# TRAINING SUMMARY

<b>Section</b>	<b>Subject Area</b>
<b>One</b>	<b>Board Policy I-1</b>
<b>Two</b>	<b>Ralph M. Brown Act</b>
<b>Three</b>	<b>Public Records Act Requests</b>
<b>Four</b>	<b>Conflict of Interest and Financial Disclosure</b>
<b>Five</b>	<b>Legal Defense and Indemnification</b>
<b>Six</b>	<b>Planning and CEQA Processes</b>



# CONGRATULATIONS!!!

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- You have successfully completed the Community Planning/Sponsor Group Training!!
- Please complete the [Training Completion Form](#) (click link to access form)
- Mail or email the Training Completion Form to Planning & Development Services and your Group Chair for record keeping purposes
- Please submit the form to satisfy your Planning/Sponsor Group Training requirement

