

Note: This Board Policy was repealed per action taken on 6/23/04 (12).

**COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

Subject

Case Processing by Departments of Planning and Land Use,
Public Works, and Health Services

**Policy
Number**

I-114

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Purpose

To clarify the role of the Departments of Planning and Land Use DPLU, Public Works, and Health Services in the processing of applications for land development projects and to establish timelines for processing those applications.

Background

DPLU is designated by various regulations of the County as the department responsible for processing several types of applications for land development applications. The Departments of Public Works and Health Services also review such applications and provide information to DPLU and County decision makers. These applications are forwarded to the appropriate County decision making officer or body with a recommendation from the Department as to whether an Environmental Impact Report (EIR) or a Negative Declaration (ND) should be prepared, together with recommendations regarding whether to approve the applications and on other issues related to the applications.

Sections 65920, and following, of the California Government Code impose time limits for processing applications for development projects as defined therein. The goals of these time limits are to conserve public and private resources and to assure certainty in the land development process; however, it has been found that these purposes are frustrated when the process of developing a complete application for a project is prolonged due to changes in the project concept, extensive studies, continuances of hearings, and other problems. This policy is established to set time limits for the processing of an application and to more clearly define the functions of DPLU, Public Works, and Health Services in determining whether an application is complete.

Policy

A. Applicability: This policy is applicable to all applications for development projects as defined in Government Code Section 65928 for which DPLU is established by County regulations as the processing agency, which are filed on or after October 10, 1992. Except for the provisions regarding timelines for processing incomplete and complete applications, this policy is also applicable to privately initiated applications for zoning reclassifications, specific plans and other legislative approvals related to development projects filed after said date. Applications filed before that date shall be processed pursuant to the procedures in effect prior to the adoption of this policy (see Board of Supervisors' Policy I-96 and the San Diego County California Environmental Quality Act [CEQA] Guidelines), provided that DPLU shall apply any of the provisions of this policy which are not inconsistent with such preexisting procedures, and the timelines stated herein shall be deemed to commence as to such pending cases as of October 10, 1992.

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B. Pre-intake Assistance: DPLU shall offer and encourage prospective applicants for projects subject to this policy to participate in a pre-intake assistance program. Public Works and Health Services shall assist DPLU with this program. The program shall include:

- The applicant will provide DPLU staff with a brief project description and preliminary resource constraint information;
- DPLU staff will determine current planning and zoning;
- DPLU staff will usually visit the site;
- Public Works and Health Services will also review the project and provide information to DPLU;
- A meeting will be held between the applicant and DPLU staff concerning the above, together with preliminary information about pertinent County requirements (including environmental requirements for application submittal), compatibility with the surrounding area, findings required for the necessary permit or approval, and information or requirements concerning other County departments;
- Within 45 days of the pre-intake submittal, DPLU staff will provide the applicant with a checklist covering application submittal requirements; and
- The project will be referred to any applicable community planning or sponsor group.

County pre-intake assistance review is not for the purpose of project advocacy, but rather for the purpose of advising prospective applicants regarding expected County requirements.

Once an applicant has participated in pre-intake assistance, the information provided and preliminary determinations made by DPLU staff should in most cases be considered to be valid for one year, unless DPLU staff indicates a shorter time. DPLU shall prepare and make available a departmental policy which explains the pre-intake assistance program in detail.

C. Determining Completeness of Application: Upon receipt of an application for a project subject to this policy, DPLU staff shall perform the following:

- Review the project's pre-intake assistance file;
- Notify any applicable community planning or sponsor group of the application;

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-Send a Notice of Application to persons to whom notice of any hearing on the application would be required to be sent describing the project, inviting written comments, advising of community planning or sponsor group meeting times and locations, and generally describing the DPLU process the application will follow;

-Convene a meeting with the applicant and representatives from the Departments of Health Services and Public Works and any applicable community planning or sponsor group, at which information from these agencies may be obtained; and

-Make a recommendation to the Director of DPLU as to whether the application is complete, including whether it complies with the list of required application contents. (Note: The issue of whether an application is accompanied by sufficient information to enable a determination to be made whether an EIR, ND or other environmental document should be prepared is the subject of the San Diego County CEQA Guidelines, which provide other procedures to be followed.)

The Director of DPLU shall make a determination whether the application is complete within 30 days of filing of the application. This determination shall be in writing and shall be immediately transmitted to the applicant.

D. Process and Timeline for Incomplete Applications: If an application is determined incomplete, the Director's written determination shall specify the defects and the information needed to complete the application. The applicant shall submit to DPLU materials identified as necessary to complete the application, and the Director shall within 30 days of such submittal determine in writing whether the application has been made complete and shall immediately transmit this determination to the applicant. An applicant shall have 120 days from the date of original application submittal to obtain a determination from the Director that the application is complete; if a determination of completeness is not obtained within this time, the application shall be withdrawn and any subsequent submittals shall be made by way of a new application file, with a new DPLU application number. (This 120 day period is not applicable to appeals pursuant to Paragraph E below.) The Director may, with the consent of the applicant, extend this 120 day period one time for a maximum of an additional 90 days.

E. Appeal of Determination of Incompleteness: Where an applicant has, in response to a determination of incompleteness, submitted additional information or documentation, and the Director has determined that the application remains incomplete, the applicant may appeal that determination to the Planning Commission. Such an appeal must be in writing and filed with DPLU within 10 days of the Director's determination. The Commission shall determine such an appeal within 60 days after the filing of the appeal. The Commission's decision shall be final. The fee for such appeals shall be paid as required by the County Administrative Code.

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F. Processing of Complete Application: After an application has been determined to be complete, it shall be processed through environmental review, planning analysis, and review by other agencies, all in accordance with applicable rules and regulations, and presented with a recommendation for approval, denial or other appropriate action, to the decision maker with jurisdiction over the application. This processing shall be completed within the following period of time from the date upon which the application was determined to be complete: if an EIR has been prepared, within one year; for other cases, within 90 days. The Director may, with the consent of the applicant, extend this one year or 90 day period one time for a maximum additional period of time equal to 90 days less any number of days for which an extension of the 120 day period referred to in Paragraph D above was granted on the application. If sufficient progress is not made on an application to the point that DPLU can recommend its approval to a decision maker within these time periods for action by that decision maker, then either the applicant shall formally withdraw the application or DPLU shall present it to the decision maker with a recommendation for denial. If the applicant withdraws the application, it may be resubmitted as a new application unless such resubmittal is prohibited by applicable regulations.

Sunset Review Date: December 31, 2003

Board Action:

8-11-92 (17)

6/23/04 (12) **Repealed**

CAO Reference:

1.Planning and Land Use

2.Public Works

3.Health Services