



COUNTY OF SAN DIEGO

COMMUNITY PLANNING/SPONSOR GROUP
TRAINING RESOURCE

UPDATED
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TYPES OF PERMITS

The purpose of this section is to help members of community planning and sponsor groups learn about ministerial and discretionary permits and the findings associated with discretionary permits. As described below, there are two types of permits, **ministerial** and **discretionary**, issued or granted by public agencies in authorizing proposed development(s).

- **Ministerial Permits** are routinely granted upon a demonstration of project conformance with applicable statutes, ordinances and or regulations. A Building Permit is an example of a ministerial permit that can be issued when Zoning Ordinance and Building Code standards are met. The processing of a ministerial permit does not involve a decision of whether or not the proposed use should be allowed. Ministerial permits are often referred to as “by-right” uses.
- **Discretionary Permits** involve projects where the exercise of judgment or deliberations are required prior to a public agency deciding to approve or disapprove a particular activity. A Major Use Permit and a Subdivision Map (Tentative Parcel Map or Tentative Map) are examples of discretionary projects. Specific findings (i.e. reasons for approval or denial) must be adopted in order for decision-makers to grant or not grant the requested authorization. In most cases, after approval of a discretionary project a ministerial permit or action is required to complete the permitting process.

Whether a ministerial or discretionary permit is required depends on the nature of the proposed project or use, how that project or use is categorized under Local ordinance or State Law, and the various regulations that affect the subject property. In particular, the County Zoning Ordinance identifies various uses and specifies where such uses require a discretionary permit.

A list of findings associated with discretionary permits is listed as Attachment A – List of Discretionary Permits. This information was compiled to be used as a resource; however, these permits and associated findings are living documents and subject to change at any time.

Frequently Asked Questions

QUESTION: Please describe Major Use Permits (types of projects, approval process, etc.) versus the Site Plan Permit and Minor Use Permits.

ANSWER: Findings Required for Use Permits (Major or Minor) can be found in Section 7358 and 7359 of the Zoning Ordinance.

Before any use permit may be granted or modified, it shall be found:

a. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:

1. Harmony in scale, bulk, coverage and density;
2. The availability of public facilities, services and utilities;
3. The harmful effect, if any, upon desirable neighborhood character;
4. The generation of traffic and the capacity and physical character of surrounding streets;
5. The suitability of the site for the type and intensity of use or development which is proposed; and to
6. Any other relevant impact of the proposed use.

b. That the impacts, as described in paragraph "a" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.

c. That the requirements of the California Environmental Quality Act have been complied with.

Note: For a Specific Waste Hazardous Facility and for Large Wind Turbine Facilities, these uses have additional Findings found in Section 7359 of the Zoning Ordinance.

Major Use Permit:

Applications for granting or modifying the conditions of a permit for one or more uses, structures or actions requiring a Major Use Permit per the Zoning Ordinance shall be under the original jurisdiction of the Planning Commission.

Minor Use Permits:

Application for granting or modifying the conditions of a permit for any use, structure, or action requiring a Minor Use Permit shall be under the original jurisdiction of the Director, except that applications for Minor Use Permits filed

concurrently with tentative subdivision maps, reclassifications or Major Use Permits shall be under the jurisdiction of the body having jurisdiction over the tentative subdivision maps, reclassifications and Major Use Permits. Any use allowed by a Minor Use Permit may also be allowed by a Major Use Permit.

Site Plans:

The purpose of a Site Plan is to review development proposals which are concerned with the physical design, siting, interior vehicular and pedestrian access, and the interrelationship of these elements. For example, project sites that have a Special Area Designator B or D are subject to submitting a Site Plan (i.e. single-family dwelling, commercial use, apartment building). Site Plans are under the jurisdiction of the Director of Planning and Development Services.

Findings Required for Site Plans can be found in Section 7160 of the Zoning Ordinance.

Prior to approving a Site Plan the Director shall find:

- a. Standards and Criteria. That the proposed development meets the intent and specific standards and criteria prescribed in pertinent sections of the Zoning Ordinance;
- b. General Plan. That the proposed development is compatible with the San Diego County General Plan; and
- c. Waiver of Standards or Criteria. That any applicable standards or criteria waived by the Director pursuant to Section 7158.d have been or will be fulfilled by the condition or conditions of a Use Permit or Variance.

QUESTION: It appears that telecommunications projects (cell towers) are subject to site plan permits rather than major use permits.

ANSWER: The County’s Wireless Ordinance can be found under Sections 6980 through 6989 of the Zoning Ordinance which outlines definitions, application processing, design criteria and regulations.

Wireless Facility Applications are processed by a 4-tier permitting system. Refer to Section 6985 of the Zoning Ordinance.

- TIER 1 – ADMINISTRATIVE SITE PLAN
- TIER 2 – SITE PLAN WITH COMMUNITY REVIEW
- TIER 3 – MINOR USE PERMIT
- TIER 4 – MAJOR USE PERMIT

There are over 100 uses defined in the Zoning Ordinance and we have over 40 Zones. Depending on the Zone, Staff will determine what type of Discretionary Permit is required. County Staff will notify the CPG/CSG on what type of permit is required for a project.

The County's Small Cell Wireless Facilities are subject to 6992 and 6993 of the Zoning Ordinance which outlines definitions, application processing, design criteria and regulations. These wireless facilities only require a small cell wireless facilities permit that is a ministerial process.

QUESTION: Can groups be notified of a project in the pre-application phase for a project? How can they be involved early in the process?

ANSWER: Typically, the Project Manager of Major Pre-Application Meetings provides a copy of the final letter generated by the County on the proposed project to the Community Planning Group/Sponsor Group (CPG/CSG). County staff often recommends that the applicant consult with the CPG/CSG if they see the project as being complex or controversial prior to the formally submitting a Permit at the County. This encourages stakeholder outreach earlier in the process and to find out what the main concerns of the Community may be.

QUESTION: What type of pre-applications are there for discretionary projects?

ANSWER: There are four levels of Permit Types. Below is a breakdown of what projects require an Initial Consultation and a Major Pre-Application. Level 1 & 2 Projects, as outlined below, are typical projects for which the County receives initial consultations. Level 1 & 2 projects are less complex projects and initial consultations are not mandatory. See below Level 1 & 2 type projects.

The Major Pre-Application Meetings are for more complex projects (Level 3 & 4 type projects). A Major Project Pre-Application Meeting is MANDATORY (unless formally waived) for the following projects:

- General Plan / General Plan Amendment Reclamation Plan
- Major Use Permit / Modifications (except cell sites)
- Specific Plan/Specific Plan Amendment
- Tentative Map
- Rezone

Project Weight: Permit Types

Level 1	Level 2	Level 3	Level 4
<ul style="list-style-type: none"> • AD • Boundary Adjustments • TPMs • Site Plans • ZAPs • ABCs • Minor Deviations • 15162 • 15183 • Grading Permits • Improvement Plans • Conditioning • Condition Satisfaction 	<ul style="list-style-type: none"> • TMs w/15183 • TMs w/ MNDs • Site Plans • MUPs (Cell Sites) • Final Maps • Grading Permits • Improvement Plans • Swmp • Conditioning • Condition Satisfaction 	<ul style="list-style-type: none"> • Larger TMs • Rezoning's • Some Site Plans w/ EIRs • MUPs • Swmm & Hydromodeling • Conditioning 	<ul style="list-style-type: none"> • GPAs • EIRs • SPS • SPAs • PSRs • Conditioning

QUESTION: Who notifies the groups of Director Decisions?

ANSWER: Typically, it is the Project Manager.

QUESTION: How does the appeal process work?

ANSWER: This is discussed in Board of Supervisors Policy I-1 pages 14-15. "The planning and sponsor groups are authorized to file an appeal without paying an appeal fee on all discretionary land use matters that are located within their community planning or sponsor group area. The decision to file an appeal must be approved by a majority of the group's authorized membership.

If the group is unable to meet prior to the end of the appeal period, the Chair of the group may file the appeal or must file the appeal if so directed by petition of a majority of the group's membership. The decision to appeal shall then be confirmed by a majority of the group's authorized membership at their next meeting. Failure to achieve a majority vote in favor of appeal at the next group meeting shall require the group to withdraw the appeal. The group Chair or his/her designee shall promptly notify the County project manager that the group confirmed the decision to appeal

or that the group withdraws the appeal.”

Projects that may be appealed by a group are those that are approved below the level of the Board of Supervisors. For example, Planning and sponsor groups can appeal Planning & Development Services Director, Zoning Administrator, and/or Planning Commission decisions to the Board of Supervisors depending on the project type and permits required. Certain projects, such as General Plan Amendments, must be considered by the Board of Supervisors and are therefore not appealable by planning and sponsor groups as there are no appeals from Board of Supervisor decisions.

QUESTION: How do group members reconsider an item?

ANSWER: Board of Supervisors Policy I-1, Article VI, Section VI states “Reconsideration of a previous vote is permissible only if pertinent new information is brought to the attention of the group and the new information could not, with the exercise of reasonable diligence, have been provided at or before the meeting at which the prior vote was taken. A vote to reconsider requires a majority vote. If the group votes to reconsider, then the group may reconsider the project in light of the new information.”

QUESTION: Can you please distinguish between ad-hoc committees and standing committees?

ANSWER: An ad-hoc committee has a defined task and is of limited duration. A standing committee has continuing subject matter jurisdiction or a fixed meeting schedule.

QUESTION: If a standing committee can have “interested parties,” will County Counsel provide defense and indemnification to them?

ANSWER: Under Board of Supervisors Policy I-1, Article V, membership on a planning or sponsor group subcommittee is open to all interested citizens if nominated by the Chair and appointed by the group. Any such citizen would become a member of the subcommittee but would not be a member of the planning or sponsor group. The County provides defense and indemnification, under Board Policy I-1, Article VII, only to members of planning and sponsor groups.

QUESTION: Can groups accept gifts or donations?

ANSWER: All planning and sponsor group members shall abide by the gift limits set

forth in Policy I-1 unless exempt under state law. Nothing of value should be accepted in return for performing or refraining from performing group duties. There may be additional reporting requirements to the Board of Supervisors for any gifts received on behalf of the County by a planning or sponsor group per County Administrative Code Section 66 and Board Policy A-112.

QUESTION: Rules of Order – do groups need to call abstentions?

ANSWER: Per the Brown Act, Government Code 54953 (c)(2), “The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.” Planning and sponsor groups must give a reason for any abstention(s).

QUESTION: Public Information Act – would personal phone numbers and email addresses need to be disclosed?

ANSWER: Personal phone numbers and email addresses will generally not be disclosed in accordance with privacy exemptions in the Public Records Act and Board of Supervisor Policy A-131 – Privacy Protection. However, each group must provide a contact for the public, which can be an email created specifically for group business. Please note that if a group member uses a personal email account for group business, it may be disclosed through the Public Records Act for any correspondence with the County or a project applicant.

QUESTION: What is the sphere of influence for the Form 700? Provide some examples.

ANSWER: The requirement to submit a Form 700 - Statement of Economic Interests applies to public officials, including planning and sponsor group members, in accordance with the adopted conflict of interest codes. The adopted conflict of interest code for each planning and sponsor group requires the disclosure of personal assets and income that may disqualify the member from participating in decisions that affect their financial interests within the planning or sponsor group area. Examples include sources of income, certain interests in real property, investments, gifts, and business positions. Guidance on completing the Form 700 may be obtained from the Fair Political Practices Commission (FPPC).

PLANNING & DEVELOPMENT SERVICES – REGULATIONS

QUESTION: Do the Winery and Cheese Ordinances create a ministerial process or

are they discretionary?

ANSWER: The Tiered Winery Ordinance and Agricultural Promotion Ordinance further expanded some agriculture related activities by-right (no permit required), others require an administrative permit, and in some cases actions require a discretionary permit. In general, they expand the allowed uses related to agriculture. The Tiered Winery Ordinance established four types of wineries: Wholesale Limited, and Boutique (by-right), Small (administrative), and Large (discretionary). The Agricultural Promotion Ordinance established new agricultural uses in the Zoning Ordinance such as agritourism, fisherman’s market, creameries, micro-brewery/micro-distilleries, and agricultural stores. Some of these uses are by-right (e.g. agritourism) and others may require discretionary permits (e.g. micro-brewery).

QUESTION: What are variance criteria?

ANSWER: Per County Zoning Code Section 7107 “Findings Required,” 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.

QUESTION: What is a legislative action of the Board of Supervisors?

ANSWER: A law of broad application (i.e., ordinance, general plan amendment) passed by the BOS.

QUESTION: What is a general plan amendment?

ANSWER: Local government often faces one or more of the following tasks: (1) amending its general plan, (2) preparing or revising one or more elements, (3) completely revising its general plan, or (4) preparing an entire general plan for the first time. The most common sort of revision to a general plan is an amendment associated with a privately initiated development project, which must be analyzed for consistency with General Plan policies and objectives. Generally, albeit with some exceptions, local governments may not amend any one of the mandatory elements of the general plan more than four times in one calendar year. (OPR, General Plan Guidelines 2017).

QUESTION: What is an ordinance?

ANSWER: A law or regulation (i.e., zoning ordinance) adopted by a governmental authority (i.e., County of San Diego). A zoning ordinance divides the county into land use districts or “zones,” represented on zoning maps, and specifies the allowable uses within each of those zones. It establishes development standards for each zone, such as minimum lot size, maximum height of structures, building setbacks, and yard size.

QUESTION: What are tentative/parcel maps and tentative/final maps?

ANSWER: Tentative Parcel and Parcel Maps are required for projects exempted from final map requirements and for subdivisions of four or fewer parcels, condominium units or community apartment project parcels. San Diego County Code 81.601 & 81.602.

Tentative and Final Maps are usually required for all subdivisions creating five or more parcels, five or more condominiums, a community apartment project containing five or more parcels, or the conversion of a dwelling to a stock cooperative containing five or more dwelling units. San Diego County Code 81.301.

A Tentative Parcel Map or Tentative Map is a map showing the layout of a proposed Subdivision, including the general description of the associated infrastructure, with conditions that must be met before grading or construction can

begin. A Parcel Map or Final Map must conform to and incorporate all of the Tentative Parcel Map or Tentative Map conditions and comply with the State Subdivision Map Act and County codes and ordinances. Upon approval of the Parcel Map or Final Map, then grading and building permits may be issued.

QUESTION: What is a specific plan?

ANSWER: Specific plans are tools for the systematic implementation of the General Plan and are intended to implement and regulate land use and development within a specific project boundary, subject to the substantive and procedural requirements of State law.

QUESTION: What is an Administrative permit?

ANSWER: A permit which may be granted by the appropriate County officer or body to provide for the accommodation of land uses or structures with special site or design requirements, operational characteristics, or potential adverse effects on surroundings, which are not permitted by right, but which may be approved upon completion of a review process, the making of findings required by ordinance, and where necessary, the imposition of conditions of approval by the permit granting authority. Administrative permits are intended to be utilized in situations where the public welfare does not require a public hearing prior to granting approval for temporary uses or structures, uses and structures having only a minor potential adverse impact on surroundings, or for uses and structures where the public welfare necessitates an expeditious review procedure.

QUESTION: What is a remainder parcel?

ANSWER: Designated remainder parcel means a unit of land a subdivider designates pursuant to Government Code section 66424.6 which is not divided for the purpose of sale, lease or financing and is designated on a tentative map or tentative parcel map at the time the subdivider files the map.

QUESTION: What is a Time Extension?

ANSWER: A Time Extension allows for a discretionary permit that has already been approved to have extra time to begin construction or the use of the property that relies on that permit. The applicant must file an application for an extension prior to the expiration of the permit.

USEFUL RESOURCE LINKS:

Planning & Development Services: www.sdcpds.org

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:
https://www.sandiegocounty.gov/content/dam/sdc/pds/Groups/Chair_Resources/Board%20Policy%20I-1.pdf

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

County Subdivision Ordinance:
<https://www.sandiegocounty.gov/content/dam/sdc/pds/ProjectPlanning/docs/SubdivisionOrdinance.pdf>

Brown Act:
https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?division=2.&chapter=9.&part=1.&lawCode=GOV&title=5.

CA Planning Guide: http://opr.ca.gov/docs/OPR_Complete_7.31.17.pdf

Political Reform Act: <http://www.fppc.ca.gov/the-law/the-political-reform-act.html>

Fair Political Practices Commission (FPPC) Regulations:
<http://www.fppc.ca.gov/the-law/fppc-regulations/regulations-index.html>

Conflict of Interest Codes:
https://www.sandiegocounty.gov/content/sdc/cob/conflict_interest.html

CEQA Guidelines:
https://www.sandiegocounty.gov/content/sdc/pds/ceqa_public_review.html

[Attachment A]

ATTACHMENT A – LIST OF DISCRETIONARY PERMITS

[Please Note: This information was compiled to be used as a resource; however, these permits and findings are living documents and subject to change at any time.]

PERMIT TYPE	ZONING ORDINANCE SECTION	FINDINGS (ZONING ORDINANCE SECTION)
Administrative Permit	7050	7060
Former Sign Permits as Admin. Permits	7080	None
Administrative Sign Permit	6208	None
Additional Story	4615	4615.b
Adult Entertainment	6930	6930.b.2
Attached Garage, Add. Area,	6156.a	7358
Barn/Ag Bldgs, Add Height/Story	6156.g	7358
Brewery/Microbrewery w/ Eating & Drinking Establishment	6158.j.1	No findings, must meet conditions in 6158.j.1
Density Bonus , Co. Affordable Sr. Housing	6360.a.2	6360.a.2.i
Detached Garage/Barn, Add. Area	6156.g	7358
Encroachment (Open Space)	Policy I-100	None
Family Day Care/Children/Large	6156.y	No findings, must meet conditions in 6156.y.1
Farm Employee Housing	6156.u	6156.u.10.a
Gate and Entry Structures on pvt. rd.	6708.e	6708.h
Greenhouses	6156.e	None
Guest Living Quarters	6156.k	6156.k.5
Height Increase, Fence, Wall	6708.a	6708.h.1
Host Home Permits	6156.bb	6156.bb.4
Location of Parking and Bicycle Spaces	6787	6787.d
Lot Area Averaging	4230	4230.b
Meteorological Testing Facility (Wind)	6123	6123.a
On-Premise Sign, Electronic Signs	6261.e	6261.e.5
Outdoor Cafes, Accessory Uses	6158.a.1	6158.a.1.v and 6158.a.2
Planned Dev. Req., Interim Uses	5806.d	None
Reduction of Parking Spaces	6784	6784.b.1
RMH zone, alter/expand existing	2168.b	None

Roof Sign	6266	6266.a
Scenic Area, Off-site Signs,	5210.g	None
Sidewalk Cafes, Accessory Uses	6158.a.2	6158.a.2.vi
Second Dwelling Unit	6156.x	6156.x.12.b.i
Site Plan, Alter Signs	5910.f	None
Small Winery	6910.c	6910.c.6
Solar Energy System, Offsite Use	6954.b	6954.b.1
Special Border Setback	4830	No findings, must meet criteria in 4830, 1-4
Temporary Business Office	6118.a.7	None
Temporary Gov. Service Uses	6120	6120.d & 7358
Tennis Court Fencing/Lighting	6708.c, f	6708.h.1 & h.3
Wind Turbine, Large	6952.k	None
Wind Turbine, Small	6951	No findings, must meet criteria 6951.a.12 or 6951.c
SITE PLANS		
All	7150	7160
Sensitive Resource Area Regulations	5300	5306
Sensitive Resource Area Regulations, Steep Slope Lands, Waiver of Open Space Easement	5307.d	5307.d.2
Historic/Archaeological Landmark and District Area Regulations	5700	No findings, must meet criteria in Section 5718
VARIANCE	7100	7107
MINOR USE PERMIT		
All	7350	7358
Vernal Pool Area Regulations	5850	5856
MAJOR USE PERMIT		
All	7350	7358
Historic/Archaeological Landmark and District Area Regulations , Demolition or Relocation of Designated Landmarks or Districts	5721	5721.b
Findings Required for Particular Use Permits, Specific Hazardous Waste Facility Project. Specified Haz. Waste Facility	7359.a	7359.a

Findings Required for Particular Use Permits, Large Wind Turbine	7359.b	7359.b
DENSITY BONUS PERMIT	7400	7420
AGRICULTURE PRESERVE PERMIT	5100	5110
HISTORIC/ARCHAEOLOGICAL LANDMARK AND DISTRICT DESIGNATION PROCEDURE	7550	7586
Administrative Code		
Mills Act	88.6	See also ZO Section 7550
Historic Designation	396.7	See also ZO Section 7550
Regulatory Code		
Noise Variance	36.423	36.423(b)
Tentative Map	81.301	
Tentative Parcel Map	81.601	