



# Discretionary vs. Ministerial Projects

NHCPG - June 2024



# Introduction to City Permitting

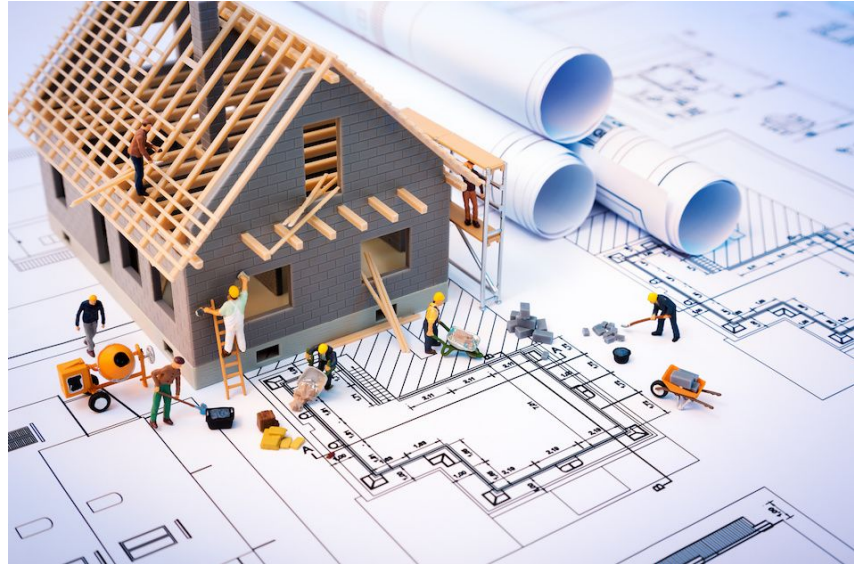
- **Ministerial** = “mini” - not a major project, simple
  - **Discretionary** = “discretion” - more complex and City needs to use discretion to approve it.
- 
- Every City has its own level of decisions for permits. The City of San Diego is broken into **5 processes**.
  - Process is established by the San Diego Land Development Code.
  - As process level increases, so does complexity of a project and the amount of discretion involved.

# What is a ministerial project?

**Process 1** - “by right” development. Staff only reviews for conformance with code and will make a decision to approve/deny a project.

Examples:

- Building Permit
- Grading Permit
- Construction Change Permits
- Solar Panel Permit
- Demolition Permit
- Electrical Permit
- Sign Permit



# What is a discretionary project?

**Process 2-5** - (staff level to City Council approval) required. The level of discretion is based on the project scope and location.

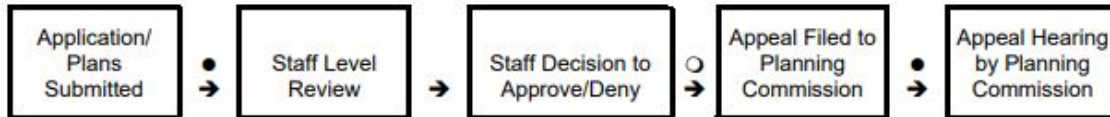
- Includes process for appeals, and legal findings are required for any discretionary project.
- Public Notices for a 300-foot radius of the project.

- Coastal Development Permit
- Conditional Use Permit
- Development Agreement
- Easement Vacation
- Emergency Authorization-ESL
- Emergency Authorization-Hist
- Land Use Plan
- Limited Use Permit
- Local Coastal Program Amendment
- Map Waiver
- Neighborhood Development Permit
- Neighborhood Use Permit
- Planned Development Permit
- Public Right of Way Vacation
- Rezone
- Site Development Permit
- Special Permit
- Street Name Change
- Substantial Conformance Review
- Tentative Map
- Variance
- Vesting Tentative Map
- Zone Code Amendment

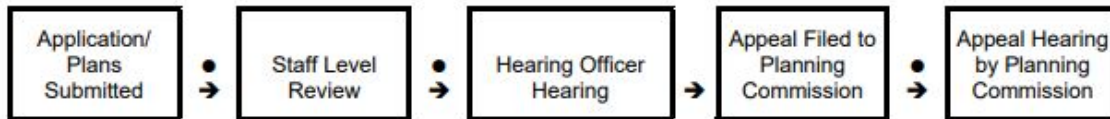
### PROCESS ONE



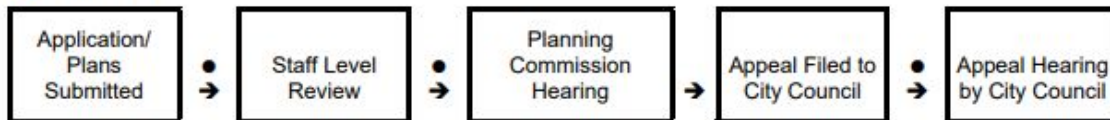
### PROCESS TWO



### PROCESS THREE



### PROCESS FOUR



### PROCESS FIVE



# Project Processing: Decision Process Levels

Process	Decision Maker	Appeal to
<b>Process One</b> (Ministerial)	City Staff	No appeals – Ministerial
<b>Process Two</b> (Discretionary)	City Staff	Planning Commission: Private projects City Council: Public projects
<b>Process Three</b> (Discretionary)	Hearing Officer	Planning Commission
<b>Process Four</b> (Discretionary)	Planning Commission	City Council
<b>Process Five</b> (Discretionary)	City Council	No appeals – Final decision maker

- As process level increases, so does:
  - Project complexity
  - The amount of discretion involved
  - Project cost
- Process Five land use decisions require a Planning Commission recommendation prior to City Council

# Community Planning Group (CPG) Roles & Responsibilities

- The CPG is an advisory group to the City of San Diego
- Review projects that require a **discretionary** development permit against the community plan (which is currently being updated!)
- Provide advisory **recommendations** to City staff and decision-makers based on Community Plan goals and policies.
- The CPG also provides advisory recommendations on land use matters such as General Plan and Community Plan Amendments.



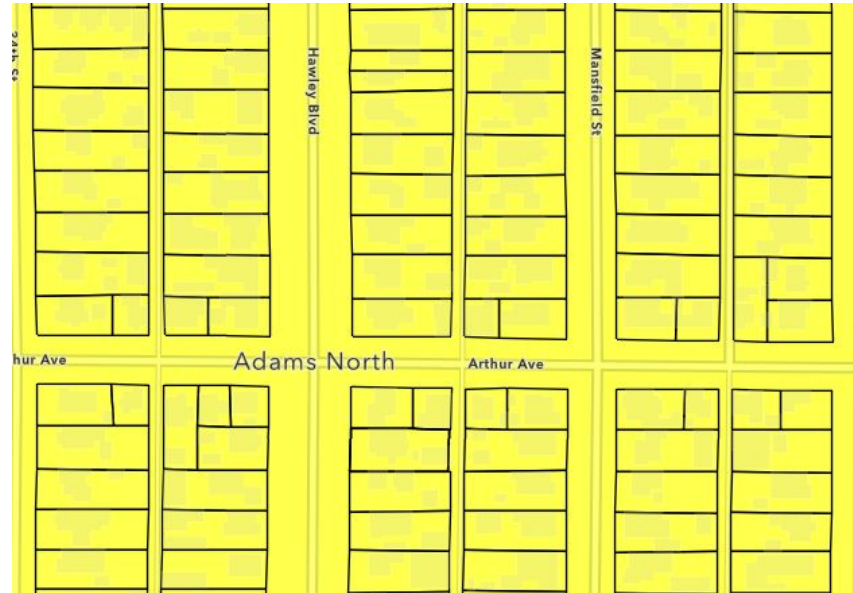
# When in the Process Does the CPG Review?

- Discretionary Projects typically go through at least 2-3 review cycles (or more) at the City.
- With every review cycle, the chair of the CPG is notified as a reviewer of the draft plan set.
  - This is for informational purposes only and is **not** the official CPG recommendation
- The CPG provides a recommendation during a publicly-noticed meeting.
- Some applicants come present to the CPG before asking for a recommendation as an “informational” item to interact with the community.
- Once a project is on the agenda as an “action” item - that is when the CPG will vote on the project and provide a recommendation to the City.
- The recommendation can occur any time, but it is typically best if it occurs at the **end** of the development process. Typically, after the CEQA document has been deemed complete by the City.



# Example (Hypothetical - NOT a real project)

- Yellow = residential zoning
- A project proposes to demolish an existing home and build a new single-family home in the Adams North area.
- No special circumstances apply.



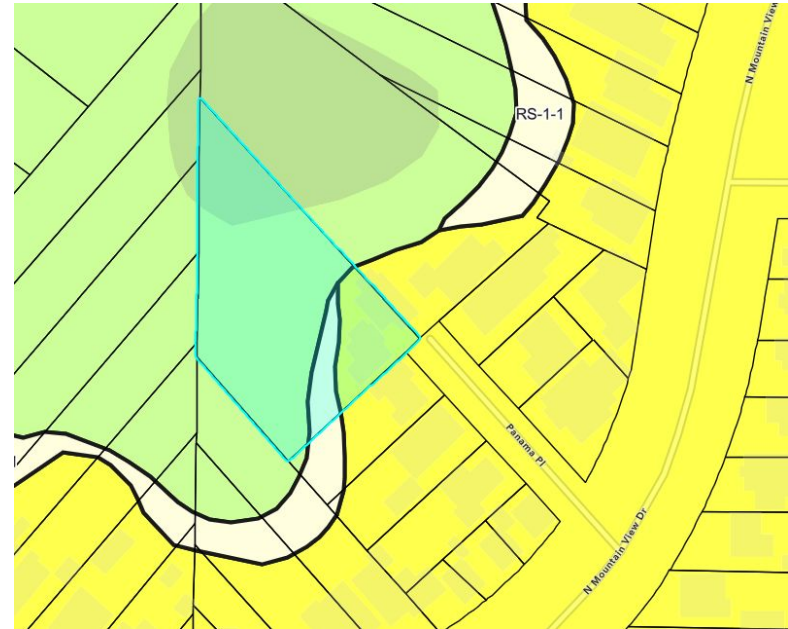
# Example (Hypothetical - NOT a real project)

- Green = open space/park zoning
- A project proposes to rezone the park for commercial development.
- A Neighborhood Development Permit, CPA, and Rezone would be the required permits.



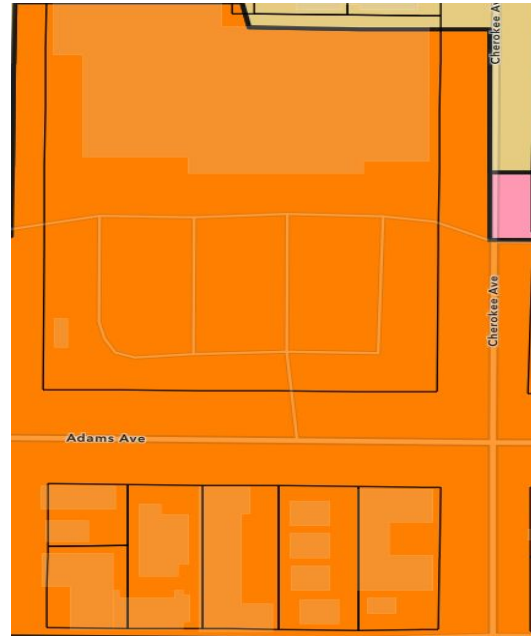
# Example (Hypothetical - NOT a real project)

- Yellow /White= Residential Zoning
- Green = open space/park zoning
- A project proposes to build a single-family house **only** in the area marked in yellow. (The Project would not impact the canyon)
- A Site Development Permit is required - this is due to the presence of steep slopes on-site.



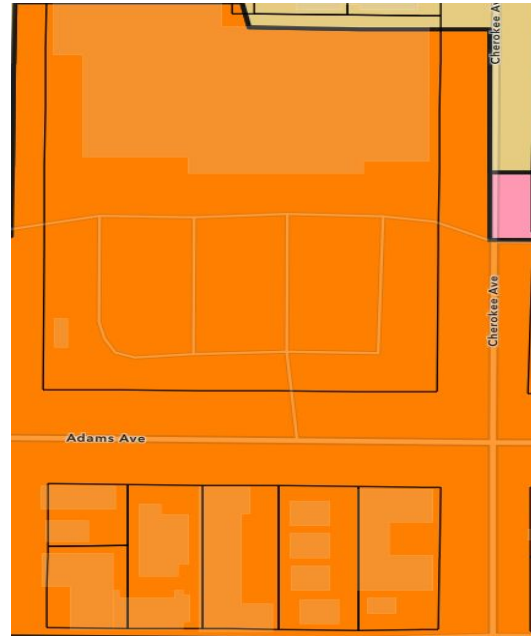
# Example (Hypothetical - NOT a real project)

- Orange = Mixed-Use Zone that allows for commercial and residential uses.
- A project proposes a new business on Adams Ave.



# It Depends!

- The Municipal Code establishes when is a use “permitted by right” or a use requiring a “conditional use permit”
- **Example of Permitted Use:** Residential uses, restaurants, pet stores, grocery stores
- **Example of CUP:** Fraternity house, liquor stores, bars over 5,000 square feet, automobile service stations





I hope you enjoyed learning about  
the land development process :)

Any Questions?

