



JIM DESMOND
SUPERVISOR, FIFTH DISTRICT
SAN DIEGO COUNTY BOARD OF SUPERVISORS

COUNTY OF SAN DIEGO
2019 JUL 11 AM 10:05
CLERK OF THE BOARD
OF SUPERVISORS

AGENDA ITEM

DATE: July 24, 2019

03

TO: Board of Supervisors

SUBJECT

STREAMLINING THE DISCRETIONARY PERMIT PROCESS (DISTRICTS: ALL)

OVERVIEW

There are several major cost factors to develop land in the unincorporated area including land acquisition, infrastructure improvements, construction, financing, and processing discretionary permits. Processing discretionary permits can be a large burden of cost for individuals, businesses, and developers alike. Costs incurred during the discretionary process include staff review time, the California Environmental Quality Act (CEQA) process, engineering and design, and the financing costs of land holding. Ultimately these costs are passed on to renters and home buyers.

In the interest of increasing the amount of attainable homes in the region, the County of San Diego (County) should evaluate its discretionary permit processes and find opportunities to reduce the time and cost required to process a permit. While the County does not control the market price of housing within the region, we have a responsibility to be as effective and efficient as possible in our permitting processes.

Today's action will direct the Chief Administrative Officer to identify ways to reduce discretionary permit processing time and cost, investigate the feasibility of options identified, and return to the Board within 180-days with recommendations for review and approval.

RECOMMENDATION(S)

SUPERVISOR JIM DESMOND

Direct the Chief Administrative Officer to investigate the feasibility of the following items and return to the Board within 180-days with recommendations for:

1. Implementing a self-certification process for engineers;
2. Implementing permit and California Environmental Quality Act evaluation requirements;
3. Increasing final engineering flexibility;
4. Increasing opportunities to expand checklist exemptions to certain permit processes;
5. Implementing a project issue resolution process; and
6. Increasing coordination and accountability between departments.

SUBJECT: STREAMLINING THE DISCRETIONARY PERMIT PROCESS (DISTRICTS:
ALL)

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

The proposed actions will help attract additional businesses to the region by reducing permit processing time and cost and increasing housing affordability for employees.

ADVISORY BOARD STATEMENT

N/A

BACKGROUND

There are two categories of permits that are issued by the County of San Diego (County), ministerial permits and discretionary permits. Ministerial permits are often what are called “by-right” permits. These permits are granted as long as code requirements are met. Examples of ministerial permits are building permits, electrical permits, and well water permits. Ministerial permits are exempt from the California Environmental Quality Act (CEQA) and are largely flat fee permits that can be processed relatively quickly.

Discretionary permits require judgement, deliberation, and ultimately approval or denial by the designated decision-maker. Examples of discretionary permit types include legislative changes (General Plan Amendments, Specific Plan Amendments, and Rezones), subdivisions (Tentative Maps and Tentative Parcel Maps), conditional use permits (Major Use Permits and Minor Use Permits), design review permits (Site Plan Permits), and other administrative permits. Discretionary permits vary widely, are subject to CEQA, and typically take more time and cost to process than ministerial permit types.

Self-Certification

Currently, applicants are required to hire professional engineers licensed by the State of California to prepare various technical analyses, such as design of private infrastructure including private roads and private drainage systems. These studies are submitted to the County for peer review through an iterative process until staff deems the studies complete. Today’s request will investigate the feasibility of allowing licensed engineers to certify some of their technical analyses and deem them complete without the need of a County peer-review.

Permit and CEQA Evaluation Requirements

Permit submittal requirements are established by the County and State CEQA law requires the lead agency (County) to adequately answer a list of prescribed questions related to environmental impacts. These questions are answered through technical analyses. Detailed permit and CEQA submittal and evaluation requirements allow technical analyses to answer the prescribed questions without the need to go into construction-level detail required at final engineering. For example, a proposed project located in a Federal Emergency Management Agency (FEMA) Floodplain would evaluate impacts based on CEQA requirements rather than final engineering detail which requires the preparation of a Hydrologic Engineering Center’s River Analysis System (HEC-RAS) for the Conditional Letter of Map Revision/Letter of Map Revision (CLOMR/LOMR) process. Today’s request will investigate the feasibility of setting

SUBJECT: STREAMLINING THE DISCRETIONARY PERMIT PROCESS (DISTRICTS:
ALL)

permit standards and clear expectations of CEQA analysis commensurate with the level of information needed for discretionary permit decision-making.

Final Engineering Flexibility

During final engineering, if unforeseen modifications are required due to regulatory requirements, such as new detention basins for stormwater or additional avoidance measures for agency permitting, a finding of substantial conformance is required. If the substantial conformance finding cannot be made, the applicant is required to go back through the discretionary process. Today's request will investigate the feasibility of increasing the amount of flexibility to revise a project in order to comply with regulatory requirements without the need of a subsequent discretionary review process.

Expand Checklist Exemptions

Waivers and exemptions are currently allowed to be applied to certain permit types if prerequisites are met. Today's request will investigate the feasibility of increasing the use of waivers and exemptions of permits, if findings can be met. In addition, staff will evaluate if additional permits can be shifted from the discretionary to ministerial process.

Project Issue Resolution

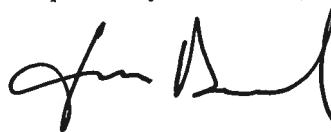
Solving project issues may be costly and time consuming requiring multiple plan revisions and iterations to achieve resolution. Today's request will investigate the feasibility of implementing a project issue resolution process so that issues can be resolved faster. If an applicant requests a project issue resolution meeting, both sides of the issue are heard and a designated executive level arbitrator provides a final determination.

Departmental Coordination and Accountability

Department coordination and accountability are critical to ensure timely and complete project review. Today's request is for staff to evaluate the current inter-departmental process and find ways to increase coordination and accountability between departments.

Today's action includes a recommendation for staff to investigate the feasibility of the listed options and return to the Board within 180-days with recommendations for review and approval.

Respectfully submitted,



JIM DESMOND
Supervisor, Fifth District

SUBJECT: STREAMLINING THE DISCRETIONARY PERMIT PROCESS (DISTRICTS:
ALL)

AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: Yes No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED

Yes No

PREVIOUS RELEVANT BOARD ACTIONS:

N/A

BOARD POLICIES APPLICABLE:

N/A

BOARD POLICY STATEMENTS:

N/A

MANDATORY COMPLIANCE:

N/A

**ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION
NUMBER(S):**

N/A

ORIGINATING DEPARTMENT: Jim Desmond, Supervisor, Fifth District

OTHER CONCURRENCE(S): N/A

CONTACT PERSON(S):

Benjamin Mills

Name

(619) 531-5555

Phone

Benjamin.Mills@sdcounty.ca.gov

E-mail