



PO Box 889, La Jolla, CA 92038
http: //www.LaJollaCPA.org
Voicemail: 858.456.7900
info@LaJollaCPA.org

President: Tony Crisafi
Vice President: Joe LaCava
Treasurer: Jim Fitzgerald
Secretary: Helen Boyden

La Jolla Community Planning Association

Regular Meetings: 1st Thursday of the Month
La Jolla Recreation Center, 615 Prospect Street

Thursday, 3 October 2013

FINAL MINUTES -- Regular Meeting

Trustees Present: Patrick Ahern, Cynthia Bond, Helen Boyden, Tom Brady, Bob Collins, Dan Courtney, Jim Fitzgerald, Gail Forbes, Joe LaCava, David Little, Nancy Manno, Phil Merten, Myrna Naegle, Bob Steck, Frances O'Neill Zimmerman
Absent: Tony Crisafi, Janie Emerson, Ray Weiss

1. Welcome and Call To Order: Joe LaCava, Vice-President, at 6:05 PM

2. Adopt the Agenda

Approved Motion: To approve the agenda as posted (Fitzgerald, Steck: 9-0-1)

In favor: Bond, Boyden, Brady, Collins, Fitzgerald, Forbes, Little, Manno, Merten, Steck
Abstain: LaCava

3. Meeting Minutes Review and Approval

Approved Motion: To approve the Minutes of 5 September 2013 (Manno, Merten: 9-0-1)

In favor: Bond, Boyden, Brady, Collins, Fitzgerald, Forbes, Little, Manno, Merten, Steck
Abstain: LaCava

4. Elected Officials Reports - Information Only

Council District 1 – City Council President Pro Tem Sherri Lightner reported: 1) The Plastic Bag Reduction Ordinance will be heard at the City Council Rules and Economic Development Committee on October 23. Other California jurisdictions have similar ordinances. Only 3% of plastic bags are recycled. Bags deposited at Von's and similar stores are recycled. Bags should not be placed in blue recycle bins as they jam the machinery. 2) Revisions to the SDMC code provisions with respect to the right to appeal an environmental determination will be heard by the City Council soon (see item 12). 3) There will be a Public Hearing on the proposal to increase water rates in the City on November 21. All will get a notice and can respond by mail or in person. Four tiers instead of the present three are proposed and "water conservers" may see a reduction in their bills. 4) Ribbon cutting for the La Jolla Shores Lifeguard Tower will take place at 9:30 AM on Friday, October 11. 5) City-wide Mayoral election will take place on Tuesday November 19.

39th District, California State Senate - State Senator Marty Block

Rep: Allison Don, 619.645.3133, allison.don@sen.ca.gov stated that the current California legislative session had ended. She distributed a listing of the status of all of Senator Block's legislation, calling attention to his **SB 527** making San Diego Lifeguards equivalent to the SDPD and SDFD in eligibility for Workers' Compensation (signed into law). She announced a free Senior Scam Stopper seminar, sponsored by **Senator Block** and **Congressman Scott Peters** to be held Monday November 4, from 9:30 to 11:30 AM at the Rancho Penasquitos Library. Contact the office for any info needed.

5. Non-Agenda Public Comment - Issues not on the agenda and within LJCPA jurisdiction, two (2) minutes or less

UCSD - Planner: Anu Delouri, adelouri@ucsd.edu, <http://physicalplanning.ucsd.edu>, was not present.

Member Don Schmidt, following up on the Bird Rock Community Council meeting, announced the restoration of the Midway lookout and the need for repair of the Forward lookout. He also referred to the cessation of trash container emptying at those lookouts and the one at Dolphin during the Sanders administration due to lack of access. Trash accumulation at these lookouts

(designated view corridors) continues to be a problem. Trash removal is dependent on volunteers.

Member Pat Granger commented on the dangerous speeding conditions on Expedition Way. She was referred to UCSD campus police.

6. Non-Agenda Items for Trustee Discussion - Issues not on the agenda and within LJCPA jurisdiction, two (2) minutes or less.

Trustee Little mentioned **Trustee LaCava's** response to a local architect's criticism of Community Planning Groups, both posted on the Voice of San Diego website.

Trustee Manno inquired about the failure of the Traffic & Transportation Board to meet the past two months. **Vice President LaCava** stated that there had been no projects.

Trustee Zimmerman cited an article in La Jolla Today about a transitional home for drug addicts on Mount Soledad. She decried the lack of medical personnel at such facilities. **Councilmember Lightner** stated that these homes are a state-regulated entity and state legislators could be contacted. Problems can sometimes arise due to adjacency. Community members can monitor the homes for any problems, such as noise.

7. Officers' Reports

A. Secretary

Trustee Boyden stated that if you want your attendance recorded today, you should sign in at the back of the room. There are two sign-in lists: one for LJCPA members and a yellow one for guests.

LJCPA is a membership organization open to La Jolla residents, property owners and local business owners at least 18 years of age. Eligible visitors wishing to join the LJCPA need to submit an application, copies of which are available at the sign-in table or on-line at the LJCPA website: www.lajollacpa.org/. We encourage you to join so that you can vote in the Trustee elections and at the Annual Meeting in March.

You are entitled to attend without signing in, but only by providing proof of attendance can you maintain membership or become eligible for election as a trustee. You can become a Member after attending one meeting and must maintain your membership by attending one meeting per year. To qualify as a candidate in an election to become a Trustee, a Member must have documented attendance at three LJCPA meetings in the preceding 12-month period.

If you want to have your attendance recorded without signing in at the back, then hand to the Secretary before the end of the meeting a piece of paper with your printed full name, signature and a statement that you want your attendance recorded.

Please note that members who failed to attend a meeting between March of 2012 and February 2013 (and similar for all time periods) have let their membership lapse and will need to submit another application to be reinstated.

B. Treasurer

Trustee Fitzgerald reported that the beginning balance on September 1 was \$111.65. September from donations only were \$135.00. Expenses including agenda printing, telephone expenses and Post Office Box rental were \$221.15, for an ending balance on September 30, 2013 of \$25.50, a decrease of \$86.15.

Trustee Fitzgerald commented on the special generosity of the Membership and Trustees and reminded Trustees, Members and guests. LJCPA is a non-profit organization and must rely solely on the generosity of the community and the Trustees. He stressed the need for continued donations to support the expenses of the organizations. We do need to pay for after hours rental of the meeting room. All donations are in cash to preserve anonymity.

8. President's Report

A. Bernate-Ticino Residence – City Council upheld LJCPA appeal of CEQA exemption.

B. Henley Residence – LJCPA filed timely appeal of Hearing Officer approval.

C. Children's Pool – PC recommended approval of closure during pupping season (4-2)

9. Consent Agenda – Ratify or Reconsider Committee Action

Consent Agenda allows the Trustees to ratify actions of our joint committees and boards in a single vote with no presentation or debate. The public may comment on consent items. Anyone may request that a consent item be pulled for reconsideration and

full discussion. Items pulled from this Consent Agenda are automatically trailed to the next LJCPA meeting.

PDO – Planned District Ordinance Committee, Chair Ione Stiegler, 2nd Mon, 4pm

DPR – Development Permit Review Committee, Chair Paul Benton, 2nd & 3rd Tues, 4pm

PRC – LJ Shores Permit Review Committee, Chair Helen Boyden, 4th Tues, 4pm

T&T – Traffic & Transportation Board, Chair Todd Lesser, 4th Thurs, 4pm

T & T did not have any projects for its September meeting so the meeting was cancelled.

A. Renda Residence

DPR Motion: Findings can be made that the project conforms to the Community Plan of La Jolla and to endorse that the project qualifies for a Coastal Development Permit. 5-0-0

9521 La Jolla Farms Road - Coastal Development Permit to construct a 2-story 10,298 square foot single family residence on a vacant 0.56 acre lot. PTS 29014 has expired and requires a new CDP. Project is the same as the previously approved CDP.

B. Gaxiola Residence DRAFT Mitigated Negative Declaration

PRC Motion: The committee takes no exception to the draft Mitigated Negative Declaration as prepared by the City Staff for the Gaxiola Residence 6-0-0

2414 Calle Del Oro - Seeking SDP and CDP to demolish existing 1-story 3,178 sf residence and construct a new 2-story 11,696 sf residence with 5 bedrooms, 7 bathrooms and 3 car garage, at 2414 Calle del Oro Coastal Overlay (non-appealable); Coastal Height Limit. Lot size: 29,120 Sq Ft.

D. “La Plaza”

PDO Motion for Structure: Building appears to conform to the PDO maker 9-0

PDO Motion for Landscaping: conforms to the PDO, special conditions applicable in zone 1. 8-0-1

7863 Girard Avenue - Issues raised at the last meeting to be addressed at this meeting. Landscaping percentages and the proposed placement of outdoor seating on Wall Street, questions of encroachment. Applicant was also asked to return to present signage, samples of building materials and proposed color scheme.

E. Esteban Interiors

PDO Motion: Storefront conforms to the PDO 9-0

7605 Girard Avenue -Review storefront change for LJPDO code compliance in LJPDO zone

Existing metal roof to be removed and replaced by a taller wall that will return into existing parapet wall; this new exterior wall will be faced with exterior rated stamped concrete 16” x 16” tile

Existing storefront window and door to be replaced with new taller UV / tempered glass

New exterior lid returns to be lightweight construction and include moisture proof modified bitumen with anodized aluminum flashing pitched at 10% with integral drip edge

F. Beads of La Jolla and Bard’s Decorator Custom Shop

PDO Motion: Motion: Paint color conforms to the PDO 9-0

5645 La Jolla Blvd. -Scope of Work: Paint colors

Approved Motion: To accept the recommendation of the DPR Committee that (A) Renda Residence: Findings can be made that the project conforms to the Community Plan of La Jolla and to endorse that the project qualifies for a Coastal Development Permit; and to accept the recommendation of the PRC Committee that (B) Gaxiola Residence DRAFT Mitigated Negative Declaration: The committee takes no exception to the draft Mitigated Negative Declaration as prepared by the City Staff for the Gaxiola Residence; and to accept the recommendations of the PDO committee that (D) “La Plaza”: Building appears to conform to the PDO and Landscaping conforms to the PDO, special conditions applicable in zone 1; and (E) Esteban Interiors: Storefront conforms to the PDO; and (F) Beads of La Jolla and Bard’s Decorator Custom Shop: Paint color conforms to the PDO and forward the recommendations to the City. (Manno, Collins: 14-0-1)

In favor: Ahern, Bond, Boyden, Brady, Collins, Courtney, Fitzgerald, Forbes, Little, Manno, Merten, Naegle, Steck, Zimmerman

Abstain: LaCava

10. Reports from Other Advisory Committees - Information only

- A. **Coastal Access and Parking Board** - Meets 1st Tues, 5pm, La Jolla Recreation Center. No report.
- B. **Community Planners Committee** – Meets 4th Tues, 7p, 9192 Topaz Way – Discussed amending the Previously Conforming Ordinance and Marijuana Dispensaries.

11. 7755 Sierra Mar

Possible Action: Reconsideration of prior LJCPA votes in light of revised project.

Project Description: Coastal Development Permit and a Site Development Permit for construction of an 6,917 square-foot addition (formerly 8,592 sf) to an existing 5,300 square-foot single family residence and a 561 square-foot addition to an existing 757 square-foot garage and pool house, resulting in a total of approximately 12,974 gross square feet (formerly 15,026 sf) (residence plus garages) on a 37,790 square-foot legal lot. The project also includes the addition of 6,130 square feet of subterranean area. The property is a historically designated resource (HRB No. 866). Zoning: SF-LJSPDO, Coastal Overlay Zone (non-appealable), Coastal Height Limitation Overlay Zone, Parking Impact Overlay Zone. Recirculated MND Available upon Request.

Planning Commission: Appeal Hearing set for Oct 24, 2013.

LJCPA (Oct 2012): To appeal 7755 Sierra Mar project [as LJCPA had not seen the revised plans.] 11-3-2.

Hearing Officer (Sep 2012): Approved the 12,974 sf project.

Applicant: Worked with neighbors to refine and reduce project. Amended application. Opted not to return to LJCPA.

LJCPA (Dec 2008): To accept the recommendation of the Permit Review Committee to deny the approval of [the original] project, the findings cannot be made, due to its bulk & scale and the impact of the project on the neighborhood character. 10-0-0.

PRC (Oct 2008): Denied [original project] 3-0-0 based on bulk, scale and impact on neighbors

Presented by Robin Madaffer and John Oleinik

An appeal will be heard by the Planning Commission on October 24; therefore this could not be heard by the PRC in a timely fashion. The project is a major revision from the version denied by the LJCPA in 2008. The LJCPA had filed an appeal in 2012 due to the project not having returned for community review.

The current version represents a substantial reduction in size. Additionally the entire second story of the living area has been removed; only the garage has a second story. The addition is being made to accommodate current life styles and is being constructed over the present tennis courts at the back of the property. The lot is large and the FAR will be 0.34 and the 300' foot average of surrounding development is 0.42. Formerly the height was 30' and now various elements are 16' and 23' with much of the rest being much less. Actual square footage: Currently: 6057 sf including garage; addition of 6917, including garage addition for a total of 12, 974 sf. There will also be about 6000 subterranean square feet, not included in the GFA.

Discussion opposition centered on whether the revision respects the historic character of the property. Testimony was presented with respect to the Secretary of the Interior guidelines. Several trustees commented that it was not in their field of expertise to evaluate this. Comments noted the compatibility with the La Jolla Shores PDO. The Historical Review Board approved the previous plans, this reduced version was deemed acceptable by HRB staff.

Speaker for: current property resident **Tommy Zimmerle**. Speakers against were: **Attorney Heather Riley** (representing neighbor **Barbara Levy**), **Marina Baroff**, **Judy Swain**, and **DPR members Diane Kane** and **Mike Costello**. **Trustees Forbes, Merten, Little, Ahern, Naegle, Fitzgerald, Courtney, Zimmerman, Boyden** and **Manno** commented also.

Approved Motion: To reconsider the LJCPA prior actions in 2008 and 2012 in light of the revised plans. (Fitzgerald, Steck: 11-3-1)

In favor: Ahern, Bond, Boyden, Brady, Collins, Courtney, Fitzgerald, Little, Merten, Naegle, Steck

Opposed: Forbes, Manno, Zimmerman

Abstain: LaCava

Approved Motion: To recommend approval of the revised project, plans dated January 18, 2012. (Fitzgerald, Zimmerman: 9-5-1)

In favor: Ahern, Boyden, Brady, Collins, Fitzgerald, Little, Manno, Merten, Steck

Opposed: Bond, Courtney, Forbes, Naegle, Zimmerman

Abstain: LaCava

12. Amending 112.0310 Notice of Right to Appeal (NORA) Environmental Determination

Consideration of an proposed amendment to 112.0310 that will require DSD to notify the Council Office, the LJCPA, and interested

parties on the city's project address list if the City makes a determination that a project is exempt from CEQA. Note, such notice is not required by CEQA and will be a significant expansion of the city's current noticing process. Amended noticing process has been piloted by staff for past year or so. Amendment supported by Community Planners Committee and Council Land Use & Housing Committee. To be heard by City Council in late October. (see attachment)

Member Mike Costello stated that many times the Notice for a Public Hearing states that the deadline for appealing the Environmental Determination has already expired and neighbors had never been informed that a determination had been made and that it could be appealed. He suggested that if the NOA does not give the necessary information then a separate notice should be sent. **Members Diane Kane** and **Sally Miller** and **Trustee Boyden** also commented.

Vice President LaCava expressed the opinion that frequently the environmental determination is the last decision DSD makes, sometimes only a week before the Public Hearing. Community Planning Groups could not wait that long to hear a project. The trustee consensus was that **Vice President LaCava** would work with **Trustee Boyden** to develop proposed language that would alleviate perceived inadequacies in the City proposal (attached) and the motion would reflect the trustee's concerns. (See resulting motion text below.)

Approved Motion: To support the proposed changes associated with the Notice of Right to Appeal Environmental Determination. In addition, the LJCPA recommends that the Land Development Code be further amended to require that the Notice of Right to Appeal Environmental Determination (112.0310) and the Notice of Availability (128.0305) be distributed pursuant to Section 112.0302. (Little, Courtney: 12-0-1)

In favor: Ahern, Bond, Boyden, Brady, Courtney, Fitzgerald, Little, Manno, Merten, Naegle, Steck, Zimmerman
Abstain: LaCava

13. Adjourn at 8:08 PM to next Regular Monthly Meeting, November 7, 2013, 6:00 pm.

Attachment

Environmental Appeals Draft Code Language September 24, 2013

112.0310 Notice of Right to Appeal Environmental Determination

In accordance with Chapter 12, Article 8, Division 2, the Development Services Director implements CEQA and the State CEQA Guidelines within the City of San Diego. While not required by CEQA, the City requires the posting of a Notice of Right to Appeal Environmental Determination for activities that are determined to be subject to CEQA.

- (a) A Notice of Right to Appeal Environmental Determination shall be posted for an environmental determination in accordance with the following:
- (1) A determination made by the City Manager that a project is exempt from CEQA pursuant to a categorical exemption or that an activity is covered by the general rule, as defined by State CEQA Guideline section 15378, is exempt from CEQA in accordance with State CEQA Guidelines sections 15061(b)(2), or (3), and (5), except where such determinations are made by the City Council; and
 - (2) A determination that a project is exempt from CEQA pursuant to a statutory exemption, except where such determination is made by the City Council; and
 - (3) An environmental determination A decision to adopt or certify an environmental document associated with a project, as defined by State CEQA Guidelines section 15378, that the City Manager approves or decides to carry out without a public hearing in accordance with his powers under City of San Diego Charter section 28, including environmental documents for projects decided at a Process Two decision making level.
- (b) ~~The Director is not required to post a~~ A Notice of Right to Appeal Environmental Determination is not required for those projects deemed statutorily exempt in accordance with State CEQA Guidelines, Article 18, commencing with Section 15260 the following:
- (1) Activities determined to be "not subject to CEQA" pursuant to CEQA Guidelines Section 15060;
 - (2) Projects with an environmental document subject to Hearing Officer or Planning Commission action to adopt or certify; and
 - (3) Projects with an environmental determination subject to City Council approval.
- (c) The Notice of Right to Appeal Environmental Determination shall include:
- (1) An identification of the project, including its common name where possible and its location;
 - (2) A brief description of the project;

- (3) A statement regarding the type of *environmental determination* ~~and~~;
 - (4) A brief statement to support the reasons for the *environmental determination*, including citation to applicable State CEQA Guidelines or statutes; and
 - (5) The date of notice and a brief statement indicating the time for filing an appeal in accordance with Section 112.0520(b).
- (d) The Notice of Right to Appeal Environmental Determination shall be posted on the date of *environmental determination* as follows:
- (1) at ~~At~~ the City of San Diego, Development Services Department at ~~in~~ a location easily accessible to the public; and
 - (2) On the City of San Diego website.
- (e) The Notice of Right to Appeal Environmental Determination shall also be distributed on the date of *environmental determination* via electronic mail (or by U.S. mail if electronic mail is unavailable) as follows:
- (1) To the Council Office for the Council District in which the project is proposed;
 - (2) To the officially recognized community planning group, if any, that represents the area in which the project is proposed; and
 - (3) To any person who has submitted a written request for notification of the proposed *development* to the City staff person named in the Notice of Future Decision.
- (f) The Notice of Right to Appeal Environmental Determination shall remain posted in accordance with Section 112.0310(d) for a period of 15 the 10 business days that an appeal of the *environmental determination* may be filed in accordance with Section 112.0520(b).

§112.0511 No Development During Appeal Period

Development authorized by a permit, map, or other matter may not occur before the *date of final action*, except that action necessary to address an emergency requiring immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services can proceed as necessary to stabilize the emergency.

112.0520 Environmental Determination Appeals

- (a) Persons Who Can Appeal

Notwithstanding other provisions of this Code, any person may appeal an *environmental determination* not made by the City Council.

(b) Time for Filing an Appeal

An application to appeal ~~a decision described in Section 112.0520(a)~~ an *environmental determination* shall be filed in the Office of the City Clerk as follows:

(1) ~~within~~ Within 10 *business days* from the date of the posting of the Notice of Right to Appeal Environmental Determination; or

(2) Within 10 *business days* from the date of a decision made by a Hearing Officer or the Planning Commission to adopt or certify an environmental document.

(c) Scheduling Appeal Hearings. The appeal hearing before the City Council shall be held, or the City Clerk shall set a date for the appeal hearing, no later than 30 calendar days after the date on which the application for an appeal is filed. The appeal hearing shall be noticed in accordance with Section 112.0308.

(d) Power to Act on Appeal. The City Council shall consider the appeal ~~and shall, by a majority vote~~ as follows:

(1) Deny the appeal by majority vote, approve the *environmental determination* and adopt the CEQA findings and statement of overriding considerations of the previous decision-maker, where appropriate; ~~or~~

(2) Grant the appeal by majority vote and set aside the *environmental determination*, in accordance with Section 112.0520(e); or

(3) In the case of a tie vote, the *environmental determination* shall be considered disapproved.

(e) If the City Council grants the appeal under Section 112.0520(d)(2):

(1) The lower decision-maker's decision to approve the project shall be held in abeyance. The City Council shall retain jurisdiction to act on the revised environmental document and associated project at a subsequent public hearing.

(2) The Development Services Director shall reconsider the *environmental determination* in accordance with Section 128.0103 and prepare a revised environmental document as appropriate, in consideration of any direction from the City Council.

(3) At a subsequent hearing, the City Council shall again consider the *environmental determination* and associated projects, and take action in accordance with Section 112.0520(e)(3)(A), (B), ~~or (C)~~, or (D) to:

- (A) Certify or adopt the environmental document; adopt CEQA *findings* and statement of overriding considerations as appropriate; and affirm the previous decision to approve the associated project;
- (B) Certify or adopt the environmental document; adopt CEQA *findings* and statement of overriding considerations as appropriate; condition and approve the associated project as modified; ~~or~~
- (C) Find that the environmental document is insufficient, in which case the document shall not be certified. The associated project shall be denied and the decision shall be deemed the final administrative action; or
- (D) In the case of a tie vote, the *environmental determination* shall be considered disapproved.

§113.0103 Definitions

Abutting property through *Encroachment* [No change.]

Environmental determination means a decision by any non-elected City decision maker, to certify an environmental impact report, adopt a negative declaration or mitigated negative declaration, or to determine that a project is not subject to the California Environmental Quality Act (CEQA), under State CEQA Guidelines section 15061(b)(~~2~~) or (3).

Environmentally sensitive lands through *Yard* [No change.]

§128.0202 ~~Incorporation of CEQA by Reference~~ Actions That Require Compliance with CEQA

- (a) Except as otherwise provided, CEQA and this article shall apply to the following discretionary activities located within the City of San Diego:
 - (~~a~~) (1) Activities directly undertaken by the City such as construction of *streets*, bridges, or other public *structures* or adoption of plans and zoning regulations;
 - (~~b~~) (2) Activities financed in whole or in part by the City of San Diego; and
 - (~~c~~) (3) Private activities that require approval from the City of San Diego such as adoption and amendment of *land use plans* and the *Local Coastal Program*, zoning and rezoning actions, *development* agreements, *subdivision* activities, *development* and use permits, and variances.

- (b) An activity is not subject to CEQA if the activity does not involve the exercise of discretionary powers by a public agency; if the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment; or if the activity is not a project as defined in Section 15378.

§128.0203 Actions Exempt from CEQA

An action or activity may be exempt from CEQA if it meets any of the following conditions:

- (a) ~~The activity is not a project as defined in the State CEQA Guidelines, Section 15378;~~
- (b) (a) The project has been granted an exemption by statute (e.g. State CEQA Guidelines, Article 18, commencing with Section 15260) or by categorical exemption (State CEQA Guidelines, Article 12.5, commencing with Section 15191, and Article 19, commencing with Section 15300).
- (1) ~~CEQA exempts ministerial actions by statute. City approval decided in accordance with Process One is a ministerial action, including issuance of a construction permit. The following are construction permits: Building Permits, Plumbing Permits, Electrical Permits, Mechanical Permits, Grading Permits, Public Right Of Way Permits, Demolition Permits, Removal and Relocation Permits, and Sign Permits.~~
- (2) ~~Activities within the City of San Diego that typically are exempt by statute or categorical exemption from CEQA are provided in the CEQA Administrative Guidelines of the Land Development Manual.~~
- (e) (b) The activity is covered by the general rule in the State CEQA Guidelines, Section 15061(b)(3), that states that CEQA applies only to projects that have the potential for causing a significant effect on the environment.

§128.0207 Review for Exemption from the Requirements of CEQA

- (a) [No change.]
- (b) A determination by the Development Services Director that a project is exempt from CEQA, as described in State CEQA Guidelines section 15061(b)(2) or (3), shall be subject to the appeal procedures in section 112.0510.

§128.0208 Determination of Type of Environmental Document

- (a) After an application for a discretionary permit or action is *deemed complete*, the ~~Planning and Development Review~~ Development Services Director shall take one of the following actions:
- (1) through (3) [No change.]

- (b) [No change.]
- (c) The ~~Planning and Development Review~~ Development Services Director shall notify the *applicant* of the scope of the required environmental document and the additional information required, if any, in accordance with the State CEQA Guidelines, Section 15060.

§128.0209 When a Previous Environmental Document May Be Used

- (a) A previously certified EIR or Negative Declaration, including any supplement or addendum, may be used when changes in the project or circumstances have occurred, unless the ~~Planning and Development Review~~ Development Services Director determines that one or more of the situations identified in the State CEQA Guidelines, Section 15162, exist.
- (b) If a previously certified document is to be used, the ~~Planning and Development Review~~ Development Services Director shall provide the decision-making body with an explanatory cover letter stating that none of the conditions specified in the State CEQA Guidelines, Section 15162, exists.
- (c) [No change.]

§128.0210 When a National Environmental Policy Act (NEPA) Document or Joint Document May Be Used

- (a) NEPA applies to projects that are carried out, financed, or approved in whole or in part by federal agencies. If a project will require compliance with both CEQA and NEPA, the ~~Planning and Development Review~~ Development Services Director should use the NEPA document rather than preparing a separate CEQA document if the following two conditions exist:
 - (1) through (2) [No change.]
- (b) If the NEPA document would not be prepared by the federal agency by the time the City of San Diego would need to consider an environmental document consistent with this article, the ~~Planning and Development Review~~ Development Services Director should try to prepare a combined NEPA-11-CEQA NEPA/CEQA document. Preparation of this joint environmental document shall involve the federal agency to avoid the need for the federal agency to prepare a separate document for the same project.