

Guaranteed 2nd Opinion & Project Issue Resolution

The purpose of this Information Bulletin is to provide applicants an opportunity to quickly and inexpensively have issues heard and considered by senior management.

During the project review and inspection process, it is the expectation of the Community Development Department (CDD) that all staff provide complete review comments and provide any necessary explanations related to those comments as early in the process as possible. However, when disagreements arise, a venue is needed to break review log-jams and streamline the permit review process.

COMPLETE AND TIMELY REVIEWS

Staff are responsible for ensuring that each project review is conducted in a complete and timely manner with the goal of gaining compliance with documented city policies and codes, while achieving development project objectives. The department is committed to applying only those rules and regulations relevant to the proposed permit and minimizing late hits to the greatest extent possible.

What is a late hit? When a project issue or requirement is missed during the initial project review and caught during subsequent analysis, it is commonly referred to as a "late hit." This can add additional processing costs and schedule delays.

To service our customers most appropriately and efficiently, the initial review cycle is intended to be comprehensive and include all plan check comments for the project as it is currently proposed. Subsequent plan checks are intended to address corrections made pursuant to the initial review or address applicant-initiated project changes. There are some late hits that are under the control of the city. For example:

- Reinterpretation of a land use policy that results in project design changes.
- Failure to timely identify project design requirements.

Documents Referenced

[Project Issue Resolution Meeting Request Form; Attached](#)

- Failure to appropriately apply current land use regulations.
- Failure to timely identify project impacts to environmentally sensitive lands.

Conversely, there are situations where the city cannot control changes that are applied late in the process.

For example:

- New regulations that trigger additional requirements regardless of the status or timing of the project review.
- The applicant/consultant provided erroneous or incorrect information or omitted information that was not provided until later in the review process.
- Legal deficiencies typically identified during environmental document review.
- Design changes/additional information that was provided in subsequent reviews that led to issues and needed corrections.

The goal of this policy is to ensure that staff corrections and comments are understandable and tied to established city policies/codes, reduce late hits, and develop an efficient process to resolve conflicts.

GUARANTEED SECOND OPINION



CDD is dedicated to meeting customer service needs and offers a Guaranteed Second Opinion. Customers are free at any time to ask the city planner, city engineer or building official for a meeting to discuss any one of the following issues:

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- A perceived ‘late hit’ comment
- Disagreements with staff interpretations of regulations
- Requests for additional information or studies
- Complaints regarding level of customer service
- Disagreements regarding processing requirements

appropriate. For ministerial projects, submit to the building official. All attempts will be made to schedule conferences to occur within one week following form submittal.



If the issue cannot be resolved via a Guaranteed Second Opinion, the customer may seek a Project Issue Resolution with the department director.

PROJECT ISSUE RESOLUTION

Project Issue Resolution (PIR) conferences provide customers an opportunity to quickly and inexpensively have issues heard and considered by the CDD Director. Customers must attempt to resolve issues with the division manager via a Second Opinion before a PIR conference will be considered.

If a permit review results in a fourth iteration comment letter on a discretionary or ministerial permit, staff must present their determination at the PIR conference prior to the release of the letter. This may result in a subsequent PIR conference with the applicant.

Relevant city staff, applicant and applicant consultant(s), as deemed appropriate, must attend the PIR conference. Determinations resulting from the PIR process are solely intended to break review log-jams and streamline the permit review process. They are not intended to pre-ordain permit approvals. Therefore, PIR determinations are not binding on any city decision-making body including the Planning Commission or City Council.

This process is only available to project applicants, and not for project opponents. The existing discretionary process allows for public input as part of the decision/hearing process. Similarly, this process will not reconsider final decisions or formal recommendations made by the director or any other formal city decision-making body.

SCHEDULING A PIR CONFERENCE

Applicants requesting a PIR conference must complete the form on the back of this bulletin. For discretionary projects, please submit the request form to the city planner or city engineer, as



PROJECT ISSUE RESOLUTION MEETING REQUEST FORM (CD-10)

COMMUNITY DEVELOPMENT DEPARTMENT

1635 Faraday Avenue, Carlsbad, California 92008-7314

(760) 602-4600

Please complete the following:

Date: _____

Project Name: _____

Permit #: _____

Project Address: _____

APN: _____

Project Description: _____

Has an effort been made to resolve issue(s) with staff and their supervisor? Yes No

NOTE: Except for issues regarding customer service, there must be an effort by the applicant to resolve the issue with the city project staff and their supervisor before consideration under this process. Please contact the planner assigned to your project if you have questions.

Will the Applicant be bringing an attorney to the meeting to discuss legal issues? Yes No

NOTE: A City Attorney representative may need to attend meetings if an outside attorney is present and legal issues are expected to be discussed.

ISSUE(S) TO BE CONSIDERED: Please clearly and concisely list the issue(s) to be discussed at the conference. To ensure the efficient use of time, the meeting will only focus on the issue(s) specifically listed below. (Attach additional sheets as necessary)
