



THE CITY OF SAN DIEGO

## **Park Use Permits For Over Capacity Events/Activities INFORMATION ON CEQA REVIEW November 2011**

### **General**

An activity that requires a reservation of space for park land is being issued with discretionary review for a permit in which there is no defined capacity will undergo environmental review in accordance with the California Environmental Quality Act (CEQA) prior to the City's issuance of the Park Use Permit.

### ***Why environmental review?***

CEQA applies in situations where a governmental agency uses its judgment to decide whether and how to carry out or approve a project. A project subject to such judgmental controls is called a "discretionary project." CEQA applies to governmental actions including private activities that require approval from the government agency, such as the issuance of a Park Use Permit for an event over park capacity.

### ***What is the environmental review process?***

Once a completed application for a reservation of space is accepted by the Park and Recreation Department staff, the completed reservation application will be forwarded to either the Development Services Department, Environment Analysis Section (EAS) directly for review and an environmental determination

### **The review by EAS may result in one of the following three environmental determinations:**

- (1) Categorical Exemption - An activity that falls within a list of classes of projects which has been determined to have no significant effect on the environment may receive a categorical exemption. The list of classes of projects may include minor alterations to land and normal operations of facilities for public gatherings.
- (2) Negative Declaration (ND) or Mitigated Negative Declaration (MND) - An activity event that is determined to require more detailed environmental review and possible mitigation measures due to event components, physical effect on the environment and/or which cannot be deemed categorically exempt under CEQA statutes may require a negative declaration or mitigated negative declaration.
- (3) Environmental Impact Report (EIR) - An event that potentially causes a significant impact on the environment may require an environmental impact report.

***Please note the process outlined is for the environmental review by DSD that does not involve the issuance of a Citywide Special Event Permit. That process is defined in a separate document.***

## **NORA's**

Environmental determinations as outlined above are appealable to the City Council. Once an environmental determination is made by EAS, a Notice of Right to Appeal (NORA) is prepared. The NORA will describe the activity, the environmental determination, and the basis for the determination. DSD will post the NORA on the City of San Diego website, City Clerk's Notices page, and on the 3<sup>rd</sup> Floor of the Development Services Center, 1222 First Avenue. In addition, DSD will send a copy of the NORA to the affected City Councilmember whose district the park is located, and the recognized Community Planning Group for the area where the park activity will take place. Delivery, or notification, will be in the form of email, or US mail when email is unavailable.

Once posted, the environmental determination is subject to a 10 business day appeal period. Should a member of the public appeal the environmental determination, the hearing on the appeal must be noticed in the newspaper 10 business days in advance of a decision on the appeal. A City Council vote is required to determine the final outcome of any appeal.

## **Time and Costs**

### ***How long will it take to complete the environmental review process?***

Categorical Exemptions (20 – 120 Days total) Total processing time for the environmental review process for an activity/event within a park that is over park capacity and does not require a Citywide Special Event Permit is expected to be 20 working days. This includes review for exemption, preparation and posting of the NORA, and the 10-business day appeal period. If the environmental finding is appealed, an additional 30-45 days must be factored into the schedule to allow adequate time for preparation of a staff report, docketing, and public notice of the appeal to City Council. Availability of City Council hearing dates may also increase this time.

ND's and MND's (90 - 180 days total) - The environmental review process typically can be completed in 90-120 days for events that receive a negative declaration or mitigated negative declaration determination. This process involves public distribution and review of draft documents, up to 30 days in length, and responding to any and all comments received before a document can be finalized. Once finalized, the ND or MND is subject to the NORA process and a 10-business day appeal period. If the environmental findings are appealed, an additional 30-45 days must be factored into the schedule to allow adequate time for time for preparation of a staff report, docketing, and public notice of the appeal to City Council. Availability of City Council hearing dates may also increase this time.

EIRs (180 – 240 days total) - This process may require hiring consultants to prepare technical reports and involves public distribution and review of the EIR between 45-60 days in length, and responding to any and all comments received before a document can be finalized. Once finalized, the document is subject to the NORA process. The environmental review process may take 180 or more days. An additional 30-45 days must be incorporated in the schedule should the EIR findings be appealed to the City Council to allow adequate time for time for preparation of a staff report, public notice, docketing, etc. Availability of City Council hearing dates may also increase this time.

### **What is the cost of environmental review?**

EAS expects that exemptions can be accomplished in a one hour time period. The cost includes a "Records" fee for maintaining a record of the project and CEQA determination. These charges are non-refundable.

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From Current DSD Fee Schedule

Planning Review fee (1 hr) = \$148.00  
Records Fee= \$45.00  
**TOTAL= \$193.00**

For NDs, MNDs, and EIRs, a deposit account would need to be established to prepare an Initial Study and environmental document. The initial deposit for ND's is \$5,000, for MND's \$8,000, and EIR's \$10,000. These costs can go up, and may double in the case of an ND, and MND, and could be as much as \$50,000 for an EIR. Funds deposited, but not expended will be refunded to the applicant.

The following chart is provided for ease of review of estimated time and costs:

CEQA Determination	Time*		Cost	
	No Appeal	Appeal Filed	No Appeal	Appeal Filed
Exemption	20 business days	70 business days	\$193	\$3,500+/-
ND **	90 days	120 days	\$10,000+/-	An additional \$3,500+/-
MND **	120 days	150 days	\$16,000+/-	An additional \$3,500+/-
EIR **	180 days	210 days	\$50,000+/-	An additional \$3,500+/-

\* Includes preparing and posting NORA, and 10-business day appeal period.

\*\* This is an estimate of time and costs. Review of project and preparation of a CEQA document may result in less or more time and cost depending on scope of activity and information received. Applicants are charged for the staff time and materials required to process the environmental determinations, prepare the environmental documents, and prepare staff reports and attend public hearing(s) on appeals.

***What does this mean for the planned activity/event?***

All operational aspects of an event that has been requested by the applicant via a reservation of space for park use must be reviewed and finalized prior to the initiation of the environmental review process. **Any changes to the event that could impact the physical environment after the completion of the environmental compliance requirements could trigger the initiation of a new environmental review process.** An applicant will be notified of the outcome of the environmental review by DSD, and if applicable, if the environmental determination has been appealed, and next steps as a result of an appeal of the CEQA determination. DSD will notify Park and Recreation Department staff via email when the environmental review process is complete. Because of the regulatory time frames associated with the CEQA review process, the City of San Diego may not be able to process late applications or last minute event changes if the mandated review and appeal periods cannot be met.

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