



THE CITY OF SAN DIEGO
M E M O R A N D U M

DATE: August 4, 2014

TO: Park and Recreation Department Staff, Park Advisory Committee Members, Sports Groups/League Permit Holders, Grounds Use Permit Holders, and Special Event Permit Holders

FROM: Herman D. Parker, Park and Recreation Director

SUBJECT: California Environmental Quality Act (CEQA) Guidelines for Processing Sports, Grounds Use, and Special Event Park Permits within City of San Diego Parks

In October 2011, a memorandum regarding changes to the processing of park permits under San Diego Municipal Code Chapter 6, Article 3 was distributed to Department staff, permit holders, and park advisory committee members (Attachment 1). This memorandum summarized the reasons for the change in permitting and the California Environmental Quality Act (CEQA) requirements. In short, a lawsuit was filed challenging the City's process for issuing park use permits under San Diego Municipal Code section 63.0103 with respect to environmental review pursuant to the CEQA. In 2011, the San Diego Municipal Code was amended to clarify the park permit process; however, further litigation delayed the implementation of the amendments to the Municipal Code.

On June 17, 2014, the City Council approved a settlement of these lawsuits. As part of the settlement, the City has agreed to perform environmental review pursuant to CEQA for discretionary special event and discretionary park use permits on a project-by-project basis. Therefore, the Department will require environmental review for discretionary park permit applications that:

- (1) Are received by the Department on or after July 1, 2014; or
- (2) Have event dates on or after January 1, 2015.

The attached Special Event Guidelines (Attachment 2) generally explains the environmental process that will be required for discretionary park permit applications. Discretionary park permits are generally described in San Diego Municipal Code section 63.0103(d) and include over capacity events and Special Events as defined in Chapter 2, Article 2, Division 40 of the San Diego Municipal Code (see Attachments 3 and 4 or visit the City's webpage at <http://docs.sandiego.gov/municode/MuniCodeChapter06/Ch06Art03Division01.pdf>).

A list of the park capacities may be found at <http://www.sandiego.gov/park-and-recreation/pdf/parkcapacitymasterlistalpha.pdf>. Over capacity or Special Event permits for events to be held in calendar year 2014 for which a Park Use Permit has been issued or Reservation of

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Park and Recreation Department Staff, Park Advisory Committee Members, Sports Groups/League Permit Holders, Grounds Use Permit Holders, and Special Event Permit Holders
August 4, 2014

Space has been received prior to July 1, 2014, are not subject to environmental review pursuant to CEQA. Any over capacity or Special Event permits that have already been issued for a January 1, 2015 or later event date will require environmental review. Staff will be contacting impacted groups for further information.

At this time there is no fee associated with the cost of City staff conducting environmental review or for City staff review related to an appeal. However, if the City as part of the environmental review determines that a technical study or other outside consultant work is needed, the applicants will be responsible for the cost.

A new Department Instruction will be issued in the coming months. In addition, staff training will be offered in the fall. If you have any questions, please contact your Deputy Director, District Manager, Area Manager, or Recreation Center Director.

Herman D. Parker
Park and Recreation Director

HP:gd

Attachments:

1. October 2011 Memorandum
2. Special Event Guidelines California Environmental Quality Act (CEQA) May 2014
3. San Diego Municipal Code Section 63.0103
4. San Diego Municipal Code Section 22.4001 et.seq.

cc: Honorable Mayor Kevin L. Faulconer
Honorable Council President Todd Gloria and Members of the City Council
Jan Goldsmith, City Attorney
Scott Chadwick, Chief Operating Officer
Stacey LoMedico, Assistant Chief Operating Officer
David Graham, Deputy Chief Operating Officer
Robert Vacchi, Development Services Director
Carolyn Wormser, Special Events Director
Park and Recreation Board Members



THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: October 6, 2011

TO: Park Advisory Committee Members, Sports Groups/League Permit Holders, Grounds Use Permit Holders, and Special Event Permit Holders

FROM: Stacey LoMedico, Park and Recreation Director

SUBJECT: Proposed Updates to Processing Sports, Grounds Use, and Special Event Park Permits within City of San Diego Parks

On Tuesday, October 11, 2011 the City Council will hear an item as it relates to processing park permits under Municipal Code Chapter 6, Article 3. This includes permits for athletic events (e.g., youth and adult softball leagues, soccer tournaments, etc.), ground use (outdoor use with 50 or more persons), and special events. This item will be the first of two readings on the City Municipal Code change. It is anticipated that if City Council adopts the changes they will become effective December 2011.

On June 25, 2010, a lawsuit entitled "Coastal Environmental Rights Foundation v. City of San Diego" (Lawsuit) was filed against the City, alleging that the City's process for issuing park use permits under San Diego Municipal Code section 63.0103 was discretionary and therefore subject to the California Environmental Quality Act (CEQA).

On May 24, 2011, pursuant to Ordinance No. O-20058, the City amended San Diego Municipal Code section 63.0103 to conform the code to the City's long-standing practice of issuing park use permits based on whether the use would interfere with another scheduled event or the use of the park by the general public.

On May 27, 2011, the San Diego Superior Court issued a ruling in the Lawsuit finding that San Diego Municipal Code section 63.0103 as amended continued to give the City discretion in the issuance of park use permits such that the process would still be subject to CEQA because "interfere" was not defined and therefore the decision remained a discretionary one. These proposed amendments clarify that, with certain stated exceptions, the park use permits issued pursuant to section 63.0103 are issued if there is capacity in the park. Rules and regulations for the issuance of these park use permits will be based on objective criteria. The exceptions are at Balboa Park, Mission Bay Park, Presidio Park, and the Shoreline Parks on Memorial Day, Fourth of July, and Labor Day, during which time no permits will be issued (except for permits for sports leagues and tournaments at certain locations and fireworks for the Fourth of July at La Jolla, Mission Bay, and Ocean Beach) and permits for certain listed activities over which the Park and Recreation Director wants to have discretion, such as possession of glass containers, sales of merchandise, and permits for soaring or gliding.

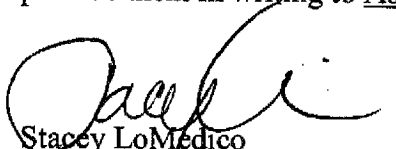
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Park Advisory Committee Members, Sports Groups/League Permit Holders, Grounds Use Permit Holders, and Special Event Permit Holders
October 6, 2011

In addition, the proposed amendments codify the processing of a Special Event permit when the event is proposed to take place on a City park or beach. The applicant will obtain a reservation of the space from the Park and Recreation Department, based on factors such as what other events will be taking place in that location at that time, any restrictions such as the Summer Moratorium (Moratorium), and any recommendation from the appropriate park advisory body. The actual park use permit will be issued concurrently with the Special Event permit. The proposed amendments also codify the practice of observing the Moratorium for Special Events in the Developed Regional Parks (Balboa Park, Mission Bay Park, and the Shoreline Parks) and the existing exceptions to the Moratorium. As outlined in the Special Event Planning Guide, it is the longstanding practice of the Park and Recreation Department to not authorize the use of Mission Bay Park, Balboa Park, and the Shoreline Parks for new special events during the Summer Moratorium. A waiver process is proposed for those applicants seeking to hold their Special Event during the Summer Moratorium.

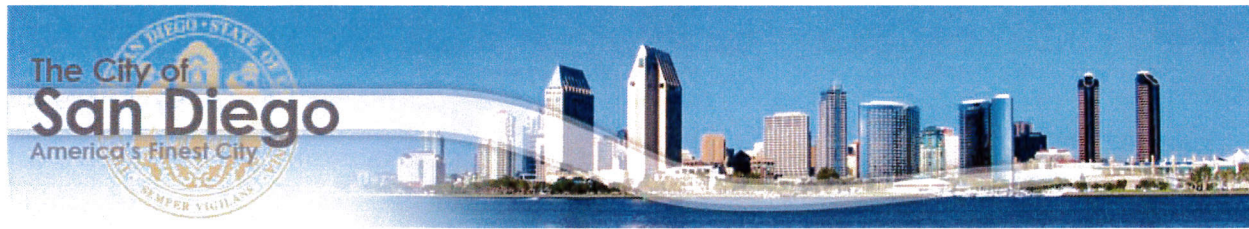
Based upon the proposed Municipal Code changes, as detailed in the attached documents, it is anticipated that some permit applications/requests will now require a review under the California Environmental Quality Act (CEQA). Such a review will increase the cost to the permittee/applicant from a minimum of \$193.00 to an estimated \$5,000 depending upon the review required or appeals that might be filed on the environmental determination made by the City's Development Services Department.

More information will be provided prior to the implementation date of December 2011 and a Frequently Asked Questions (FAQ) is currently being drafted to be distributed to staff and the public as well as posted on our web page. In the meantime, if you have any questions, please provide them in writing to AskParks@sandiego.gov and someone will respond to your inquiry.


Stacey LoMedico
Park and Recreation Director

Attachment: Various Documents from City Council Docket – Tuesday, October 11, 2011

cc: Honorable Members of the City Council
Jan I. Goldsmith, City Attorney
Jay M. Goldstone, Chief Operating Officer
Wally Hill, Assistant Chief Operating Officer
Kelly Broughton, Development Services Director
Carolyn Wormser, Special Events Director
Park and Recreation Department Staff
Park and Recreation Board Members



Special Event Guidelines

California Environmental Quality Act (CEQA)

May 2014

Effective July 1, 2014

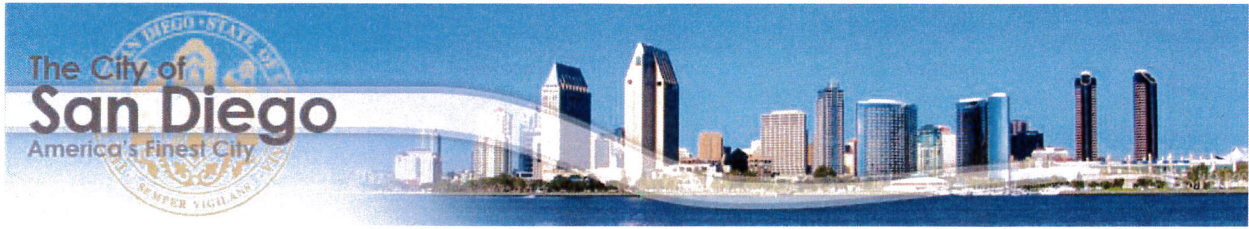
Pursuant to the California Environmental Quality Act (CEQA), the City of San Diego will perform environmental review of all Special Event Permit Applications that: (1) Are received by the City on or after July 1, 2014; or, (2) Have Special Event dates on or after January 1, 2015.

Why do Special Events require environmental review?

CEQA is a California state law that requires public agencies such as the City to consider the impacts of their actions on the environment. A public agency is required to comply with CEQA when it undertakes activities defined by CEQA as “projects”, including the approval of permits, where a public agency uses its discretion to grant such approval. As defined by CEQA, the term “project” generally refers to the whole of an action which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Because Special Events have the potential to affect the environment and because the City has the authority to condition, approve, or deny a Special Event Permit Application, state law requires the City to perform environmental review of the project prior to the issuance of a Special Event Permit.

What is the City doing to help with the CEQA requirements for Special Events?

The City of San Diego recognizes the importance of Special Events to the vitality, quality of life, and economic prosperity of our community. To oversee the implementation, consistency, and efficiency of the environmental review process associated with Special Events, the City will identify a staff member knowledgeable about CEQA to serve as the primary point of contact with Special Event organizers. Additionally, at this time, there is no fee associated with the cost of City staff conducting environmental review and any City staff review related to an appeal of such environmental review relating to Special Event Permit Applications. However, should City staff’s review of a Special Event Permit Application require a Special Event applicant to retain the services of an outside consultant or any other private service(s) to conduct a technical study or any other environmental review, the Special Event applicant shall be fully and solely responsible for any and all such expenses.



Special Event Guidelines

California Environmental Quality Act (CEQA)

May 2014

What is a CEQA determination?

As a result of the environmental review conducted for a Special Event Permit Application, a CEQA determination is made by City staff. In many cases, such a determination is publicly noticed in a written Notice of Right to Appeal (NORA). Any appeals of an environmental determination will be heard by the City Council. The environmental appeal to the City Council is the final administrative remedy for challenging an environmental determination on a Special Event Permit Application. It should be noted that the City Council action does not preclude a third party from filing a lawsuit to further challenge an environmental determination, which may further delay the issuance of a Special Event Permit.

Under CEQA, there are a number of different environmental determinations that may be made related to a particular Special Event Permit Application. Three common environmental determinations are described below. Additionally, a special event may be covered by environmental review that was previously conducted and in that case, a new environmental document or NORA may not be required.

Categorical Exemption

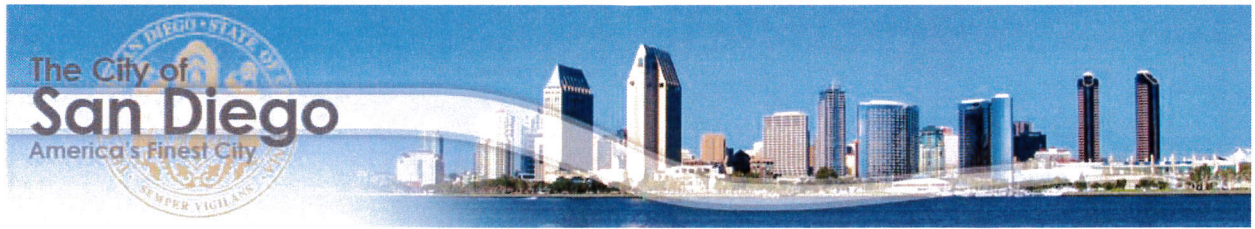
A Special Event that falls within a list of classes of projects which has been determined to have no significant effect on the environment may receive a categorical exemption. Examples of categorical exemptions that may apply to certain Special Events include Minor Alterations to Land and Normal Operations of Facilities for Public Gatherings.

Negative Declaration or Mitigated Negative Declaration

A Special Event that cannot be deemed categorically exempt and is determined to require more detailed environmental review and possible mitigation measures due to its potentially significant effect on the environment may require a Negative Declaration or Mitigated Negative Declaration.

Environmental Impact Report

A Special Event that will cause a significant impact on the environment even after mitigation measures are instituted will require the issuance of an environmental



Special Event Guidelines

California Environmental Quality Act (CEQA)

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document known as an Environmental Impact Report, which will identify possible ways to mitigate the significant effects and describe reasonable alternatives to the project.

How does environmental review affect the planning timeline for my event?

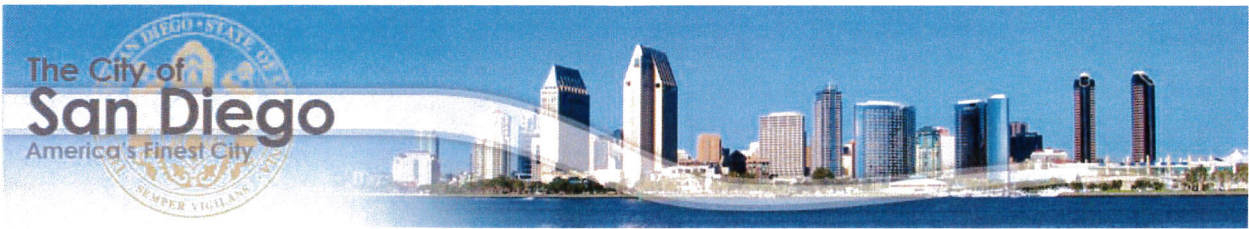
The environmental review of a Special Event Permit Application cannot begin until the operational aspects, including but not limited to items such as street closures, traffic plans and site plans depicting the location of all stages, tents, temporary structures, fences and other components of a Special Event Permit Application are finalized. Therefore, it is critical to the Special Event Permit Application review process that Special Event applicants submit *completed* Special Event Permit Applications and supporting plans that accurately represent all aspects of the Special Event. Any changes to a permit application that could impact the environment after the completion of the environmental review could trigger the initiation of a new environmental review process.

Because of the strict time frames associated with the CEQA review process, the City of San Diego may not be able to process late Special Event Permit Applications or last minute Special Event changes that affect the environment. A Special Event Permit cannot be issued without a final CEQA determination that has completed the City's environmental review process, which may include an appeal of the determination.

Sample Timeline for a Special Event Permit Application

The following chart is intended for planning purposes only and represents a sample timeline associated with the submission of a Special Event Permit Application that complies with the City's requirements for Special Events as described in the Special Event Planning Guide and which receives a categorical exemption determination.

Timelines will vary based upon specific factors associated with each Special Event Permit Application. Among other factors, Special Events with more complicated or environmentally sensitive elements or that are proposed to be located within or in close proximity to an environmentally sensitive location may require a more time-consuming and higher level of environmental review as previously described. Additionally, applications that are not complete



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or require follow-up for more detailed plans may require additional time for review. Therefore, organizers of Special Events should plan accordingly. It is strongly recommended that Special Event applicants submit completed Special Event Permit Applications to the City of San Diego as soon as reasonably possible so that there is sufficient time to address any unanticipated or unforeseen circumstances.

Processing Steps	Average Days for Processing
1. Special Event Permit Application review for public safety and operational compliance with Special Events Planning Guide and other City requirements	30—60 Days
2. Once all public safety and operational plans are finalized and prior to permit issuance, initiate CEQA review. The following timeline applies to an event with a Categorical Exemption*: <ul style="list-style-type: none"> a. Planning, Neighborhoods & Economic Development (PNED) Department determination (10—14 days) b. Public Notice of Right to Appeal (14 days**) c. City Council Environmental Determination Appeal Hearing (30—45 business days depending upon meeting schedule) 	24—28 Days, unless an appeal is filed 30—45 Days additional time if an appeal is filed
Total Average Days For Permit Issuance	54—88 Days No CEQA Appeal
	84—133 Days with City Council CEQA Appeal

*Technical studies and additional public noticing timelines may be required for Special Events that are determined to require a Negative Declaration, Mitigated Negative Declaration or Environmental Impact Report. Special Event applicants should anticipate a minimum of 90—180 days for completion of the environmental review required for these types of determinations.

**San Diego Municipal Code section 112.0310(f) requires posting of the Notice of Right to Appeal for 10 business days, which essentially equates to 14 calendar days.

(12-2011)

§63.0103 City Manager Permit Procedure

Whenever doing any of the acts specified in this Article is conditioned upon obtaining a permit, permission, or consent from the City Manager, the following procedure shall be followed:

- (a) An application for a permit shall be filed not less than ten (10) days before the date on which the proposed activity or event is to be conducted; however, the City Manager may consider any permit which is filed less than ten (10) days before the proposed activity is to take place;
- (b) The application shall include information as to the proposed activity, the sponsoring person or organization, the number of persons expected to attend, the proposed park area to be used, the proposed date and time of the event, the duration in time, and the proposed alternate park areas and dates, if any;
- (c) The City Manager shall within three (3) days after the filing of such application act thereon;
- (d) The City Manager shall issue the permit, permission, or consent if there is capacity for the proposed activity; except as set forth in (1) through (3) below:
 - (1) An applicant for a Special Event, as defined in Chapter 2, Article 2, Division 40, to be held at a park or beach, shall apply for a reservation of space, which, if granted, is effective until the Special Event Permit is granted or denied. The City Manager shall consider all requests for reservations of space filed at least 120 days before the date of the proposed event; however, the City Manager may consider any permit which is filed less than 120 days before the proposed event. A reservation of space may be granted after consideration of factors such as previously scheduled events at and adjacent to the requested location, the park capacity, impacts to the park that may be caused by the event, any restrictions on Special Events such as the Summer Moratorium, and any recommendation from the appropriate park advisory body. A permit as required by Chapter 6, Article 3 shall be issued concurrently with the Special Event Permit.
 - (A) There will be no reservations granted for Special Events in Balboa Park, Mission Bay Park, Presidio Park, or the Shoreline Parks, which are those parks contiguous to the shoreline or beach in the communities of Ocean Beach, Mission Beach, Pacific Beach, and La Jolla, during the Summer Moratorium, which is from the Saturday prior to Memorial Day and the preceding Saturday and Sunday through Labor Day, except for the following Special Events:

(12-2011)

- (i) Balboa Park: San Diego Pride Festival, AFC Half Marathon, Rock and Roll Marathon, Summer Concerts, Patrons of the Prado, Philippine Art Festival, Balboa Park 8 & 3 Mile Runs, 47th Balboa Park 4 Mile.
 - (ii) Mission Bay Park: Over the Line, Rock and Roll Marathon, Kai Elua.
 - (iii) Shoreline Parks: La Jolla Concert Series, Summer Fest, Taste at the Cove, Ocean Beach Street Fair and Chili Cook-off.
 - (iv) Sports Leagues and Tournaments: Sports Leagues and tournaments may be permitted in athletic areas in Presidio Park, Robb Field, Santa Clara, Dusty Rhodes, Mission Bay Athletic Area (Bob McEvoy Fields), and Balboa Park.
- (B) An applicant who seeks a waiver from this provision shall make a written request to the City Manager not less than 120 days in advance of the event, describing the Special Event and explaining why the waiver should be granted. Within 10 business days of the request, the City Manager shall place the item on the next available agenda for the appropriate park advisory committee. The City Manager shall issue a final decision within 10 business days after the vote by the park advisory committee.
- (2) No permit, permission, or consent will be issued under this section for events occurring in Balboa Park, Mission Bay Park, Presidio Park or Shoreline Parks on Memorial Day, Fourth of July, Labor Day, including the following Saturday or Sunday when the holiday falls on Friday, or the preceding Saturday or Sunday when the holiday falls on a Monday, except for permits for sports leagues and tournaments, and for fireworks at Ellen Scripps Browning Park, Mission Bay, and Ocean Beach for the Fourth of July.
- (3) Permits, permission, or consent required pursuant to the following sections shall be issued at the discretion of the City Manager: 63.08; 63.20.11; 63.20.16; 63.20.20; 63.25.11; 63.25.51; 63.25.52, 63.25.72; 63.0102(b)(4), (5), (7), (10), (12), (13), (14); and 63.0201. The City Manager shall consider applications for these activities filed 120 days in advance; however, the City Manager may consider any permit which is filed less than 120 days before the proposed activity. This section shall not apply to permits required pursuant to sections 63.08 and 63.0102(b)(3) for the discharge of fireworks, which shall be issued if there is park capacity for the event:

(12-2011)

- (e) Each permit shall state the date, time and area of the park for which it is issued, and the name of the person or persons to whom it is issued;
- (f) Every such permit shall be subject to the provisions regarding noise contained in Chapter 5, Article 9.5, beginning with Section 59.5.0101 of this Code;
- (g) If the application for a permit is denied, the applicant may submit a new request proposing an alternate date, time, or location;
- (h) The City Manager shall notify the applicant in person or by mail of his or her action granting or denying the application or alternative application. The City Manager, in denying an application, may authorize the gathering at such other date, time, or location as may be available, based on park capacity. If the applicant wishes to accept the proposed alternate date, time, or location, he or she shall, within two days of receiving the City Manager's notification, file a notice of acceptance with the City Manager. The City Manager shall thereupon issue a permit.
- (i) Any parade proposed to be conducted in or through any park shall be subject to Chapter 2, Article 2, Division 40, of this Code.
- (j) The City Manager may make such other rules and regulations as may be reasonably necessary for the implementation of Section 63.0103. These rules and regulations, including those determining park capacity, shall be based on objective standards, except for those approvals referenced in section 63.0103(d)(1)-(3). An application submitted under this Article is subject to the rules and regulations in place at the time the permit application is complete.

(Amended 11-18-1997 by O-18439 N.S.)

(Amended 5-26-2011 by O-20058 N.S.; effective 6-25-2011.)

(Amended 12-1-2011 by O-20111 N.S.; effective 12-31-2012.)

§63.0104 Rules for Use of Municipal Golf Courses

No person within the limits of any municipal golf course shall do any act or acts contrary to the rules established by the Park Department for the use of such golf course; provided, however, that such rules shall be conspicuously posted in the clubhouse of such golf course.

(Renumbered from Sec. 63.02.29 on 8-9-1993 by O-17951 N.S.)

Article 2: Administrative Code**Division 40: Special Events***("Special Events" added 11-18-1997 by O-18439 N.S.)***§22.4001 Title**

This Division shall be known as the "Special Events Ordinance."
("Title" added 11-18-1997 by O-18439 N.S.)

§22.4002 Purpose

It is the purpose of the Council to establish a process for permitting Special Events conducted by the private sector to use City Streets, facilities or services. It is recognized that these Special Events enhance the San Diego lifestyle and provide benefits to the citizens through the creation of unique venues for expression and entertainment that are not normally provided as a part of governmental services. Additionally, it is recognized that Tax-exempt Non-profit Organizations that benefit the community are central to the quality of life in San Diego and that they often develop through their Special Events the resources to provide essential services to the citizens of the City and County of San Diego. By recognizing Special Event Venues, it is further intended to supplement land use regulations, to provide a coordinated process for the regulation of certain activities to be conducted in conjunction with Special Events, to ensure the health and safety of patrons of Special Events, to prohibit illegal activity from occurring within Special Event Venues, and to protect the rights and interests granted a Special Event Permit holder. It is further intended to create a mechanism for cost recovery and revenue sharing for Commercial Special Events without having an adverse effect on those Events that contribute to the community. It is also the intent of the Council to protect the rights of its citizens to engage in protected free speech expression activities and yet allow for the least restrictive and reasonable, time, place and manner regulation of those activities within the overall context of rationally regulating Commercial Special Events that have an impact upon public facilities and services.

("Purpose" added 11-18-1997 by O-18439 N.S.)

§22.4003 Definitions

As used in this Division:

“Building” means any fully enclosed permanent structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind. It includes push carts or sidewalk cafes, as defined in Chapter 10 of this Code, for which the sale of Goods, food or beverages has been authorized.

“Commercial Special Event” means any Special Event organized and conducted by any Person that does not qualify as a Tax-exempt Non-profit Organization

“Demonstration” means any formation, procession or assembly of seventy-five (75) or more persons which, for the purpose of Expressive Activity, is:

- (a) to assemble or travel in unison on any Street in a manner that does not comply with normal or usual traffic regulations or controls; or
- (b) to gather at a public park or other public area

“Event” includes a Special Event or a Demonstration.

“Event Organizer” means any Person who conducts, manages, promotes, organizes, aids or solicits attendance at a Commercial or Non-commercial Special Event.

“Expressive Activity” includes conduct, the sole or principal object of which is the expression, dissemination or communication by verbal, visual, literary or auditory means of opinion, views or ideas and for which no fee or donation is charged or required as a condition of participation in or attendance at such activity. It includes public oratory and distribution of literature.

“Goods” means goods, wares, personal property, merchandise or any other similar item which is generally sold.

“Gross Revenues” means the sum of all revenues received by an Event Organizer for a Special Event, including, but not limited to, cash receipts, licensing, sponsorships, television, advertising and similar revenues, and concessions. “Non-Commercial Special Event” means any Special Event organized and conducted by a Person that qualifies as a Tax-exempt Non-profit Organization.

“Sidewalk” means that portion of a highway, other than the roadway, set apart by curbs, barriers, markings or other delineation for pedestrian travel.

“Sign” means any sign, pennant, flag, banner, inflatable display, or other attention-seeking device.

“Special Event” means:

- (a) any organized formation, parade, procession or assembly consisting of seventy-five (75) or more Persons, and which may include animals, vehicles or any combination thereof, which is to assemble or travel in unison on any Street which does not comply with normal or usual traffic regulations or controls; or,
- (b) any organized assemblage of seventy-five (75) or more Persons at any public beach or public park which is to gather for a common purpose under the direction and control of a Person; or,
- (c) any other organized activity conducted by a Person for a common or collective use, purpose or benefit which involves the use of, or has an impact on, other public property or facilities and the provision of City public safety services in response thereto.
- (d) Examples of Special Events include concerts, parades, circuses, fairs, festivals, block parties, community events, mass participation sports (such as, marathons and running Events, bicycle races or tours, “over-the-line” tournaments), or spectator sports (such as, football, basketball and baseball games, golf tournaments or hydroplane or boat races).

“Special Event Permit” means a permit issued under this Division.

“Special Event Venue” means that area for which a Special Event Permit has been issued.

“Street” means a way or place of whatever nature, publicly maintained and open to use of the public for purposes of vehicular travel. Street includes highway.

“Tax-exempt Non-profit Organization” means an organization that is exempted from payment of income taxes by federal or state law and which has been in existence for a minimum of six (6) months preceding the date of application for a Special Event Permit.

“Vendor” means any Person who sells or offers to sell, any Goods, food, or beverages within a Special Event Venue.

(“Definitions” added 11-18-1997 by O-18439 N.S.)

§22.4004 Special Event Permit Required

- (a) Except as provided in this Division, for any Person to conduct, promote, manage, aid, or solicit attendance at, a Special Event, the Person shall obtain a Special Event Permit from the City Manager.
- (b) The City Manager is authorized to issue permits for Special Events occurring within the city limits of the City pursuant to the procedures established in this Division. The City Manager is authorized to determine the Special Event Venue. The City Manager shall set reasonable boundaries for the Special Event Venue, balancing the Special Event requirements and public health, safety, and welfare. The City Manager is authorized to coordinate the issuance of a Special Event Permit with other public agencies through whose jurisdiction or property the Event or portion thereof occurs and to issue a Special Event Permit upon the concurrence of other public agencies involved.

("Special Event Permit Required" added 11-18-1997 by O-18439 N.S.)

§22.4005 Exceptions to Special Event Permit Requirement

- (a) A Special Event Permit is not required for any activity listed in Section 22.4005(c).
- (b) Although not required to get a Special Event Permit, an Event Organizer of an activity exempted pursuant to Section 22.4005(c) is required to comply with general regulations governing public safety or health.
- (c) The following activities are exempt from the Special Event Permit requirement:
 - (1) funeral processions by a licensed mortuary;
 - (2) activities conducted by a governmental agency acting within the scope of its authority;
 - (3) lawful picketing on Sidewalks;
 - (4) Demonstrations that do not involve the use of vehicles, animals, fireworks, pyrotechnics or equipment (other than sound equipment), provided that:
 - (A) no fee or donation is charged or required as a condition of participation in or attendance at such Demonstration; and
 - (B) the Chief of Police is notified at least thirty-six (36) hours in advance of the commencement of the Demonstration;

- (5) a fireworks display involving an assembly of Persons gathered on City public property for the primary purpose of watching such fireworks display, unless the fireworks display also involves the sale of food or alcohol at a location not exempted by section 22.4005(c)(6);
- (6) activities held inside a Building or a facility intended for such activities; and
- (7) film-making activities conducted under the aegis of the Motion Picture and Television Bureau of the San Diego Chamber of Commerce, or successor agency, when provisions for cost recovery for City support services have been made.

(“Exceptions to Special Event Permit Requirement” added 11-18-1997 by O-18439 N.S.)

(Amended 5-26-2011 by O-20059 N.S.; effective 6-25-2011.)

§22.4006 Issuance of a Special Event Permit Does Not Obligate City Services

- ((a) Issuance of a Special Event Permit to this Division does not obligate or require the City Manager to provide City services, equipment or personnel in support of an Event.
- (b) Subject to approval of the City Council, the City Manager may provide City services, equipment, or personnel for Commercial Special Events. Approval of the City Council is not required for the City Manager to provide City services, equipment, or personnel for a Commercial Special Event, if the City Manager makes provisions with the Event Organizer for cost recovery or revenue sharing, or both, from the Event.

(Amended 8-4-2003 by O-19205 N.S.)

(Amended 5-14-2009 by O-19849 N.S.; effective 6-13-2009.)

§22.4007 Priority of Special Event Permit Issuance

Except for Events sponsored by the City, and wherever possible, priority shall be given for the issuance of a Special Event Permit to local Tax-exempt Non-profit Organizations operating in and providing services to the citizens of the City or County of San Diego.

(“Priority of Special Event Permit Issuance” added 11-18-1997 by O-18439 N.S.)

§22.4008 Use of City Seal or Name

- (a) The City Manager is authorized to issue a Special Event Permit for any Event whose title or theme will use the City seal or the words “The City of San Diego,” “City of San Diego,” or any similar combination or facsimile that would reasonable imply an official endorsement of the Event by the City, provided that revenue sharing by the Event Organizer is required as a condition of such approval.
- (b) Prior authorization from the City Manager is required for an Event Organizer to use the words “The City of San Diego” or “City of San Diego,” or a facsimile of the seal of the City of San Diego, in the title of a Special Event.

(“Use of City Seal or Name” added 11-18-1997 by O-18439 N.S.)

§22.4009 Time for Filing Application for Special Event Permit; Time for Notifying City Manager of Demonstration

- (a) Except for Special Events at the San Diego Convention Center, the Convention and Performing Arts Center, or QUALCOMM Stadium, and application for a Special Event Permit shall be filed with the City Manager not less than sixty (60) calendar days, nor more than two (2) years, before the time when it is proposed to conduct the Special Event.
- (b) Applications for Special Events at City public facilities, such as the San Diego Convention Center, the Convention and Performing Arts Center, PETCO Park, as defined in section 59.0101, and QUALCOMM Stadium, as defined in section 59.0101, shall be submitted in accordance with the time limits and procedures established by the City Manager for such facilities.
- (c) Any Person organizing a Demonstration shall notify the City Manager not less than ten (10) calendar days before the time when it is proposed to conduct the Demonstration.

(Amended 2-9-2004 by O-19260 N.S.)

§22.4010 When Application for Special Event Permit Is Deemed Complete

An application for a Special Event Permit is deemed completed when the applicant has provided all of the information required in Section 22.4012 including any additional information required by the City Manager, and the application has been approved by any City department designated by the City Manager.

(“When Application for Special Event Permit Is Deemed Complete” added 11-18-1997 by O-18439N.S.)

§22.4011 Date of Special Event Not Confirmed Until Permit Issued

Notwithstanding the City Manager’s acceptance of a completed application, no date shall be considered confirmed until a Special Event Permit is issued.

(“Date of Special Event Not Confirmed Until Permit Issued” added 11-18-1997 by O-18439 N.S.)

§22.4012 Content of Special Event Permit Application

The application for a Special Event Permit may include the following:

- (a) the name, address and telephone number of the applicant; and,
- (b) a certification that the applicant will be financially responsible for any City fees or costs that may be imposed for the Event; and,
- (c) the name, address and telephone number of the Event Organizer, if any, and the chief officer of the Event Organizer, if any; and,
- (d) the name, address and telephone number of the Event Organizer, if any, and the chief officer of the Event Organizer, if any; and,
- (e) if the Special Event is designed to be held by, on behalf of, or for any organization other than the applicant, the applicant for the Special Event Permit shall file a written communication from such organization:
 - (1) authorizing the applicant to apply for the Special Event Permit on its behalf; and,
 - (2) certifying that the applicant will be financially responsible for any costs or fees that may be imposed for the Event; and,
- (f) a copy of the tax exemption letter issued for any applicant claiming to be a Tax-exempt Non-profit Organization; and,
- (g) a statement of the purpose of the Special Event; and,
- (h) a statement of fees to be charged for the Special Event; and,
- (i) the proposed location for the Special Event; and,
- (j) the date and times when the Special Event is to be conducted; and,
- (k) the approximate times when assembly for, and disbanding of, the Special Event is to take place; and,

- (l) the proposed locations of the assembly or production area; and,
- (m) the specific proposed site or route, including a map and written narrative of the route; and,
- (n) the proposed site of any reviewing stands; and,
- (o) the proposed site for any disbanding area; and,
- (p) proposed alternate routes, sites or times, where applicable; and,
- (q) the approximate number of Persons, animals or vehicles that will constitute the Special Event; and,
- (r) the kinds of animals anticipated to be part of the Special Event; and,
- (s) a description of the types of vehicles to be used in the Special Event; and,
- (t) the number of bands or other musical units and the nature of any equipment to be used to produce sounds or noise; and,
- (u) the number and location of portable sanitation facilities; and,
- (v) other equipment or services necessary to conduct the Event with due regard for participant and public health and safety; and,
- (w) the number of Persons proposed or required to monitor or facilitate the Special Event and provide spectator or participant control and direction for Events using City Streets, Sidewalks, or facilities; and,
- (x) provisions for first aid or emergency medical services, or both, based on Event risk factors; and,
- (y) insurance and surety bond information; and,
- (z) any special or unusual requirements that may be imposed or created by virtue of the proposed Event activity; and,
- (aa) any other information required by the City Manager.

("Content of Special Event Permit Application" added 11-18-1997 by O-18439 N.S.)

§22.4013 Conditions Affecting the Issuance of a Special Event Permit

- (a) The City Manager may issue a Special Event Permit, when all of the conditions listed in Sections 22.4013(a)(1)–(10) are met.
 - (1) The Event will not substantially interrupt the safe and orderly movement of aerial or marine navigation.
 - (2) The Event will not substantially interrupt public transportation or other vehicular and pedestrian traffic in the area of its route.
 - (3) The Event will not cause an unresolvable conflict with construction or development in the public right-of-way or at a public facility.
 - (4) The Event will not block traffic lanes or close Streets during peak commuter hours on weekdays between 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. on any of the following Streets:
 - (A) Streets designated as “Primary Arterials” or “Major Streets” on the City Engineering Department’s Intercommunity Street System Map and as defined in Council Policy 600–04, “Standards System Map and as defined in Council Policy 600–04, “Standards for Rights-of-Way and Improvements Installed Therein.”
 - (B) Streets designated as “Preferred Streets” on the Preferred Street System Map pursuant to Council Policy 600–32, “Preferred Street System for Centre City.”
 - (C) Streets or portions of Streets determined to be “principal commuter routes” by the City’s traffic engineering staff, based on historic traffic density and congestion during peak commuter hours or based on an average daily trip (a.d.t.) basis of five thousand (5,000) vehicles or more.
 - (5) The Event will not require the diversion of a great number of police employees from their normal duties, thereby preventing reasonable police protection to the remainder of the City.
 - (6) The concentration of Persons, animals or vehicles will not unduly interfere with the movement of police, fire, ambulance, and other emergency vehicles on the Streets.
 - (7) The Event will move from its assembly location to its disbanding location expeditiously and without stopping enroute.

- (8) The Event will not substantially interfere with any other Special Event or Demonstration for which a permit has already been granted or with the provision of City services in support of other scheduled Events or unscheduled governmental functions such as visits of chiefs of state.
- (9) The Event will not have unmitigatable adverse impact upon residential or business access and traffic circulation in the same general venue.
- (10) If the Event is a marathon, it will not occur within thirty (30) calendar days of another marathon.
- (b) To make the determination under Section 22.4013(a), the City Manager shall consider pedestrian and traffic circulation, traffic volume and population density.
- (c) In order to ensure that the conditions in Section 22.4013(a) are met, the City Manager may place conditions on the Special Event Permit.

(“Conditions Affecting the Issuance of a Special Event Permit” added 11-18-1997 by O-18439 N.S.)

§22.4014 Reasons for Denial of a Special Event Permit

- (a) The City Manager may deny a Special Event Permit to an applicant who has not:
 - (1) provided for the services of a sufficient number of traffic controllers trained, certified and appointed pursuant to Section 81.03; or,
 - (2) provided sufficient monitors for crowd control and safety; or,
 - (3) provided sufficient safety, health or sanitation equipment, services or facilities that are reasonably necessary to ensure that the Event will be conducted with due regard for safety; or,
 - (4) provided sufficient off-site parking or shuttle service, or both, when required to minimize any substantial adverse impacts on general parking and traffic circulation in the vicinity of the Event; or
 - (5) met all of the requirements for submitting an application for a Special Event Permit.
- (b) The City Manager may deny a Special Event Permit if in the City Manager’s opinion:

- (1) the Event will create the imminent possibility of violent disorderly conduct likely to endanger public safety or to result in significant property damage; or,
 - (2) the Event will violate public health or safety laws; or,
 - (3) the Event fails to conform to the requirements of law or duly established Council Policy; or,
 - (4) the applicant demonstrates an inability or unwillingness to conduct an Event pursuant to the terms and conditions of this Division; or,
 - (5) the applicant has failed to conduct a previously authorized or exempted Special Event in accordance with law or the terms of a permit, or both; or,
 - (6) the Event will require the exclusive use of beach or park areas during any period from Memorial Day through Labor Day in a manner which will adversely impact upon the reasonable use or access to those areas by the general public; or,
 - (7) the applicant has not obtained the approval of any other public agency within whose jurisdiction the Special Event or portion thereof will occur; or,
 - (8) the applicant has failed to provide an adequate first aid or emergency medical services plan based on Event risk factors.
- (c) The City Manager may deny a Special Event Permit to an applicant who has failed to comply with any term of this Division, or with any condition of a Special Event Permit previously issued to the applicant.

("Reasons for Denial of a Special Event Permit" added 11-18-1997 by O-18439 N.S.)

§22.4015 Denial of a Special Event Permit Application; Appeals from Denial

- (a) If the City Manager denies the application for the Special Event Permit pursuant to Section 22.4014, he or she shall notify the applicant in writing as soon as is reasonable practical.
- (b) The denial of a Special Event Permit may be appealed to the Committee on Public Safety and Neighborhood Services of the City Council, or successor committee.

- (c) An appeal shall be made in writing within five (5) calendar days of the date of the written denial. An appeal is made by filing a written petition with the City Clerk setting forth the grounds for appeal.
- (d) The Public Safety and Neighborhood Services Committee, or successor committee, shall hear an appeal as soon as is reasonably practicable.
- (e) The decision of the Public Safety and Neighborhood Services Committee, or successor committee, to grant or deny that appeal shall constitute the exhaustion of the applicant's administrative remedy.
("Denial of a Special Event Permit Application; Appeals from Denial" added 11-18-1997 by O-18439 N.S.)

§22.4016 Display of Special Event Permit Required

A copy of the Special Event Permit shall be displayed in the Special Event Venue in the method prescribed by the City Manager applicable to the particular Event and shall be exhibited upon demand of any City official.
("Display of Special Event Permit Required" added 11-18-1997 by O-18439 N.S.)

§22.4017 Contents of Special Event Permit

A Special Event Permit may contain the following information or conditions:

- (a) the location of the Special Event Venue, which may be identified by a map attached to the Special Event Permit;
- (b) the date, assembly area, time for assembly and starting time of the Special Event;
- (c) the specific route plan to the Special Event;
- (d) the minimum and maximum speeds of the Special Event;
- (e) the number and types of Persons, animals and vehicles, the number of bands, other musical units and equipment capable of producing sound, if any, and limitations thereon pertaining to noise abatement;
- (f) the maximum interval of space to be maintained between booths or other structures to be used for the Special Event;
- (g) the portion of the Street and Sidewalk that is to be occupied by the Event and the location of reviewing or audience stands, if any;
- (h) the number and location of traffic controllers, monitors, other support personnel and equipment and barricades to be furnished by the Special Event Organizer,

- (i) the area and time for disbanding;
- (j) conditions or restrictions on the use of alcoholic beverages and authorization for and conditions of the exclusive control or regulation of Vendors and related sales activity by the Event Organizer during the Special Event;
- (k) provisions for any required emergency medical services; and,
- (l) such other information and conditions as are reasonably necessary for the conduct of the Special Event and the enforcement of this Division, including the requirement for the on-site presence of the Event Organizer or its designated representative for all Event coordination and management purposes.
- (m) As a condition of the issuance of a Special Event Permit, the applicant shall be required to make adequate provisions for cleaning-up the area or route of the Event both during and upon completion of the Event and to return the area or route to the same condition of material preservation and cleanliness as existed prior to the Event.

("Contents of Special Event Permit" added 11-18-1997 by O-18439 N.S.)

§22.4018 City Manager's Action on Special Event Permit Application

- (a) Except as provided in Section 22.4018(b), the City Manager shall take final action upon a completed application for a Special Event Permit as soon as practicable.
- (b) The City Manager is not required to take final action upon any Special Event Permit application prior to one hundred- eighty (180) calendar days before the Event.
- (c) The City Manager is not required to take final action on an incomplete or untimely Special Event Permit application.
- (d) The City Manager is not required to process more than one (1) application for a Special Event Permit per applicant during any two-week period..
- (e) The City Manager is not required to take final action upon two (2) or more Special Event Permit applications submitted by the same applicant unless two (2) or more weeks shall have elapsed between the respective dates of submission of each.
- (f) Final action on a completed Special Event Permit application shall consist of one (1) of the following:

- (1) issuance of a Special Event Permit in accordance with the terms of the application; or,
- (2) issuance of a Special Event Permit in accordance with the terms of the application, as modified by mutual agreement between the City Manager and the applicant; or,
- (3) denial of the Special Event Permit application by the City Manager.
(“City Manager’s Action on Special Event Permit Application” added 11-18-1997 by O-18439 N.S.)

§22.4019 Insurance Required to Conduct Special Event

- (a) The Event Organizer of a Special Event must possess or obtain comprehensive general liability insurance to protect the City against loss from liability imposed by law for damages on account of bodily injury and property damage arising from the Event. Such insurance shall name The City of San Diego, its officers, employees, and agents and, as required, any other public entity involved in the Event, as additional insured. Insurance coverage must be maintained for the duration of the Event. Notice of cancellation shall be provided immediately to the City.
- (b) Except as provided in Section 22.4019(c), comprehensive general liability insurance coverage required by Section 22.4019(a) shall be in a combined single limit of at least one million dollars (\$1,000,000).
- (c) If the Special Event is of a demonstrated high or low risk category, according to recognized insurance and risk management standards, the City Manager may authorize a greater or lesser amount of coverage than required by Sections 22.4019(a) and (b), or may require a particular type of insurance coverage different from that specified in Sections 22.4019(a) and (b).
- (d) The insurance required by Section 22.4019(a) shall encompass all liability insurance requirements imposed for other permits required under other sections of this Code and is to be provided for the benefit of the City and not as a duty, express or implied, to provide insurance protection for spectators or participants.
- (e) The Event Organizer’s current effective insurance policy, or copy, along with necessary endorsements, shall be filed with the City Manager at least thirty (30) calendar days before the Event, unless the City Manager for good cause modifies the filing requirements.
(“Insurance Required to Conduct Special Event” added 11-18-1997 by O-18439 N.S.)

§22.4020 Waiver of Insurance Requirements

- (a) Except for Special Events where the sale of alcoholic beverages is authorized or for traffic control permits issued in conjunction with a Special Event pursuant to Section 81.03 of this Code, the insurance requirements of Section 22.4019 may be waived by the City Manager. In making the determination of whether to waive insurance, the City Manager shall consider the factors provided in Sections 22.4020(a)(1)—(6).
 - (1) whether the Special Event is Expressive Activity protected by the First Amendment;
 - (2) whether the applicant or an officer of the sponsoring organization of a non-athletic Event has filed a verified statement that he or she believes the Event’s purpose is First Amendment expression;
 - (3) whether the applicant or officer of the sponsoring organization has determined that the cost of obtaining insurance is financially burdensome and would constitute an unreasonable burden on the right of First Amendment expression;
 - (4) whether it is objectively impossible to obtain insurance coverage;
 - (5) whether the Event will involve the use of equipment (other than sound equipment), vehicles, animals, fireworks or pyrotechnics; or,
 - (6) whether a fee or donation is charged or required as a condition of admission or participation in the Event.
- (b) The statement required by Section 22.4020(a)(3) shall include the name and address of one (1) insurance broker or other source for insurance coverage contacted to determine premium rates for coverage.
- (c) To claim that it is objectively impossible to obtain insurance coverage pursuant to Section 22.0420(a)(4), the applicant shall submit a statement from at least two (2) independent licensed insurance brokers demonstrating the insurance is unavailable in the market place.
- (d) Even though insurance is waived, the City Manager may require the Event Organizer of a Special Event to defend, indemnify and hold harmless the City from any claim or liability arising from the Event.

(“Waiver of Insurance Requirements” added 11-18-1997 by O-18439 N.S.)

§22.4021 Revocation of Special Event Permit

- (a) Any Special Event Permit issued pursuant to this Division is subject to revocation pursuant to Section 22.4021.
- (b) A Special Event Permit may be revoked if the City Manager determines:
 - (1) that the Event cannot be conducted without violating the standards or conditions for Special Event Permit issuance; or,
 - (2) the Event is being conducted in violation of any condition of the Special Event Permit; or
 - (3) the Event poses a threat to health or safety; or
 - (4) the Event Organizer or any Person associated with the Event has failed to obtain any other permit required pursuant to this Code; or
 - (5) the Special Event Permit was issued in error or contrary to law.
- (c) Except as provided in Section 22.4021(d), notices of revocation shall be in writing and specifically set forth the reasons for the revocation.
- (d) If there is an emergency requiring immediate revocation of a Special Event Permit, the City Manager may notify the permit holder verbally of the revocation.
- (e) An appeal from a revocation shall be handled in the same manner and under the same time requirements as denials of Special Event Permits pursuant to Section 22.4018.

("Revocation of Special Event Permit" added 11-18-1997 by O-18439 N.S.)

§22.4022 Cost Recovery for Special Events

- (a) Except as otherwise provided in this Division, or when funded or waived by Council resolution or ordinance, for any Special Event the City Manager shall charge for the actual cost of:
 - (1) the salaries of City personnel involved in permit processing, Event traffic control, fire safety or other facility or Event support; and
 - (2) the use of City equipment and other non-personnel expense.
- (b) The City Manager shall require payment of fees required pursuant to Section 22.4022(a), or a reasonable estimate thereof, at the time the completed application is approved, unless the City Manager for good cause extends time for payment.
- (c) If the Event Organizer fails to comply with Section 22.4017(m), the Event Organizer will be billed for actual City costs for clean-up and repair of the area or route occasioned by the Event. If the Event Organizer failed to comply with Section 22.4017(m) under a previously issued Special Event Permit, the City Manager may require the Event Organizer to deposit adequate surety in the form of cash or bond.

(Retitled from "Cost Recovery for Commercial Special Events" and amended 8-4-2003 by O-19205 N.S.)

§22.4023 Effect of Receipt of Donations on Status of Tax-Exempt Non-Profit Organizations

A Tax exempt Non-profit Organization sponsoring an Event may acknowledge the receipt of cash or in-kind services or goods, donations, prizes or other consideration from for-profit organizations without causing the Event to be considered a Commercial Special Event. Such acknowledgment may include use of the name, trademark, service mark or logo of such a for-profit organization in the name or title of the Event or the prominent appearance of the same in advertising or on collateral material associated with the Event.

("Effect of Receipt of Donations on Status of Tax-Exempt Non-Profit Organizations" added 11-18-1997 by O-18439 N.S.)

§22.4024 Revenue Sharing

- (a) An Event Organizer of a Commercial Special Events shall pay the City a negotiated percentage of Gross Revenues, a flat fee, a combination of percentage of Gross Revenues and a flat fee, or any other revenue sharing agreement the City Manager deems to being the best interests of the City.
- (b) Cost recovery under Section 22.4022 shall not be required of Commercial Special Events where payment for such services has been negotiated by the City Manager within a revenue sharing agreement with the City.
- (c) An Event Organizer of a Commercial Special Event shall not be required to enter into a revenue sharing agreement with the City where the City has funded or waived cost recovery pursuant to Section 22.4022, or where the City Manager determines that it is in the best interests of the City not to require a revenue sharing agreement.

("Revenue Sharing" added 11-18-1997 by O-18439 N.S.)

§22.4025 Audits and Accounting Procedures

- (a) An Event Organizer of a Commercial Special Event shall make payment and provide a final financial statement audited by a certified public accountant to the City Manager no later than thirty (30) calendar days after the Event for the fees and revenues to be paid to the City.
- (b) Upon the request of the City Manager, an Event Organizer of a Non-commercial special Event shall provide a final financial statement audited by a certified public accountant no later than thirty (30) calendar days after the request.
- (c) The City Manager is authorized to make determinations as to the commercial status of an Event and, with the advice and assistance of the City Auditor and Comptroller, to promulgate additional standards and procedures for cost accounting to implement Section 22.4025.
- (d) At any time during normal business hours, and as often as the City Manager or City Auditor and Comptroller deems necessary, all data and records pertaining to the Event shall be made available to the city for examination at reasonable locations within the City or County of San Diego. The City will be allowed to audit, examine, and make excerpts or transcripts from the records. The records shall be retained for a period of not less than three (3) years following the Event unless the City agrees to an earlier disposition.

("Audits and Accounting Procedures" added 11-18-1997 by O-18439 N.S.)

§22.4026 Delegation of City Manager’s Authority

The City Manager may delegate any or all of his or her functions under this Division to his or her deputies or subordinates.

(“Delegation of City Manager’s Authority” added 11–18–1997 by O–18439 N.S.)

§22.4027 City Manager Authorized to Adopt Rules and Regulations

The City Manager is authorized to promulgate additional rules and regulations that are consistent with and that further the terms and requirements set forth within this Division and the provisions of law that pertain to the conduct and operation of a Special Event or Demonstration.

(“City Manager Authorized to Adopt Rules and Regulations” added 11–18–1997 by O–18439 N.S.)

§22.4028 Enforcement Authority

The City Manager is authorized to administer and enforce the provisions of this Division. The City Manager and his or her designated Enforcement Officials may exercise any enforcement powers as set forth in Division 1, Article 2, Chapter 1 of the Code.

(“Enforcement Authority” added 11–18–1997 by O–18439 N.S.)

§22.4029 Authorized Special Event Vendors

- (a) The issuance of a Special Event Permit confers upon the permit holder or Event Organizer the right to control and regulate the sale of Goods, food and beverages within the Special Event Venue in accordance with the terms and conditions of the Special Event Permit.
- (b) Vendors authorized to sell Goods, food, or beverages in the Special Event Venue shall display their authorization in the manner required by the City Manager. Only Vendors displaying the required authorization shall be allowed to sell Goods, food, or beverages in the Special Event Venue.

(“Authorized Special Event Vendors” added 11–18–1997 by O–18439 N.S.)

§22.4030 Strict Liability Offenses

Violations of this Division shall be treated as strict liability offenses regardless of intent.

(“Strict Liability Offenses” added 11–18–1997 by O–18439 N.S.)

§22.4031 Unlawful to Conduct or Promote Attendance at Special Event without Permit

- (a) It is unlawful to conduct a Special Event without a Special Event Permit as required pursuant to this Division.
- (b) It is unlawful for any Person to conduct, promote or manage any Special Event for which a Special Event Permit has not been issued.
("Unlawful to Conduct or Promote Attendance at Special Event without Permit" added 11-18-1997 by O-18439 N.S.)

§22.4032 Other Permits and Licenses

- (a) The issuance of a Special Event Permit does not relieve any Person from the obligation to obtain any other permit or license required pursuant to this Code.
- (b) The issuance of any other permit or license issued pursuant to this Code does not relieve any person from the obligation to obtain a Special Event Permit pursuant to this Division.
("Other Permits and Licenses" added 11-18-1997 by O-18439 N.S.)

§22.4033 Unlawful to Sell Goods in Special Event Venue without Authorization

It is unlawful for any Person to sell, resell, or offer to sell or resell, any Goods, food or beverages in a Special Event Venue, except:

- (a) from any Building; or,
- (b) from any tent, booth or temporary structure expressly authorized pursuant to a Special Event Permit; or,
- (c) as authorized pursuant to a conditional use permit pursuant to the City of San Diego Land Development Code.
("Unlawful to Sell Goods in Special Event Venue without Authorization" added 11-18-1997 by O-18439 N.S.)

§22.4034 Unlawful Selling of Tickets to Special Event within Special Event Venue

It is unlawful for any Person to sell for profit, or offer to sell for profit, any ticket of admission to a Special Event within a Special Event Venue, except:

- (a) from any ticket office, booth, or other similar place established and maintained for the purpose of selling tickets; and,
- (b) with the express authorization of the City Manager pursuant to a Special Event Permit.

("Unlawful Selling of Tickets to Special Event within Special Event Venue" added 11-18-1997 by O-18439 N.S.)

§22.4035 Unlawful to Display Signs in Special Event Venue

It is unlawful for any Person to place, post, paint, erect, display, secure, or maintain any Sign or advertising in violation of those provisions of Chapter 9 and 10 of this Code, regulating Signs and advertising displays.
(“Unlawful to Display Signs in Special Event Venue” added 11-18-1997 by O-18439 N.S.)

§22.4036 Unlawful to Use City Name without Authorization

It is unlawful for any Event Organizer to use in the title of an Event the words “The City of San Diego” or “City of San Diego,” or a facsimile of the seal of the City of San Diego, without the City’s authorization.
(“Unlawful to Use City Name without Authorization” added 11-18-1997 by O-18439 N.S.)

§22.4037 Unlawful to Interfere with Special Event or Demonstration

It is unlawful for any Person to obstruct, impede or interfere with any authorized assembly, Person, vehicle or animal participating in a Demonstration or an Event for which a Special Event Permit has been issued.
(“Unlawful to Interfere with Special Event or Demonstration” added 11-18-1997 by O-18439 N.S.)

§22.4038 Cost Recovery for Unlawful Special Event

Whenever a Commercial or Non-commercial Special Event is conducted without a Special Event Permit when one is required, or an Event is conducted in violation of the terms of an issued Special Event Permit, the Event Organizer shall be responsible for, and the City Manager shall charge the Event Organizer for, all City costs incurred for personnel and equipment for a public safety response caused or necessitated by the adverse impacts of the Event, or the violation of the Special Event Permit, upon public safety.
(“Cost Recovery for Unlawful Special Event” added 11-18-1997 by O-18439 N.S.)