

THE CITY OF SAN DIEGO

MEMORANDUM

DATE: March 4, 2014

TO: Mission Bay Park Committee Agenda March 4, 2014

FROM: Stacy Mckenzie, District Manager

SUBJECT: Request for Waiver to the Summer Moratorium for Summer Leisure Games

SUMMARY

<u>Issue</u> – Should Mission Bay Park Committee recommend approval for the Park and Recreation Department (Department) staff to approve a request to grant a "waiver" and issue a Reservation of Park Use for applicant FreePB.org, which wishes to hold an event during the 2014 Summer Moratorium?

<u>Staff Recommendations</u> – Recommend approval for the City Manager (Mayor) to grant a waiver to the summer moratorium and issue a Reservation of Park Use for this activity since the activity is for an event that is within the capacity/number of participants for the park area and only requires a Special Event Permit because the applicant seeks to use alcohol at the event.

Other Recommendations – None

Fiscal Impact – Park Use Permit \$410

BACKGROUND

The City Council adopted changes to the San Diego Municipal Code (SDMC) §63.0103 effective December 2011 related to the issuance of permits for special events (Attachment 1). A specific change to the SDMC was to codify the Park and Recreation Department's practice of a summer moratorium on "special events" (as defined within the SDMC) in Mission Bay Park. The SDMC outlines a specific waiver process in which the applicant can request a "waiver" to the summer moratorium. The applicant shall apply for a reservation of space (Attachment 2) which if granted, is effective until the Special Event Permit is granted or denied.

Page 2 Request for Waiver to the Summer Moratorium for Summer Leisure Games March 4, 2014

DISCUSSION

The SDMC states an applicant shall request a waiver to the summer moratorium a minimum of one hundred and twenty (120) days prior to the event. The waiver request shall describe the event or activity and why a waiver to the moratorium should be granted. These requests via the formal waiver process as outlined in the SDMC will come directly to the Park and Recreation Director. It is the intent of the Park and Recreation Director to recommend approval of these events/activities during the summer if the only factor that triggers the requirement for an applicant to apply for a Special Event permit is due to a request for the use of alcohol. FreePB.org's request for a waiver to the summer moratorium (Attachment 3) appears to relate only to the request to serve alcohol and meets the minimum timeline for submission.

ALTERNATIVES

Do not recommend approval of the issuance of Reservation of Park Use during the summer.

Respectfully Submitted,

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Stacy McKenzie

cc: Andrew Field, Interim Park and Recreation Director Carolyn Wormser, Office of Special Events Debbie Marcotte, Permit Center

Attachments:

- 1. San Diego Municipal Code §63.0103 City Manager Permit Procedure
- 2. Reservation Form for use of Park Space
- 3. FreePB.org Request for Waiver of Summer Moratorium dated January 15, 2014

(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:

Art. Div 6 3 1

(12-2011)

- 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.
- 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.
- 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.)



ATTACHMENT 2

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FREEPB.ORG P.O. Box 9250 San Diego, CA 92169

January 16, 2014

City Manager c/o Andy Field 202 C Street MS37C San Diego, CA 92101

Dear Mr. Field:

In accordance with Municipal Code Section 63.0103(d)(1)(B), please allow this correspondence to serve as a request for a waiver from provision 63.0103(d)(1)(A).

Description of Special Event:

Name:	Summer Leisure Games
Date(s):	July 26, 2014
Location:	Crown Point Shores

Explanation of why waiver should be granted:

A waiver was granted for the 2013 Leisure Olympics. Although the name of the 2014 event has changed, the event will be organized in the same manner as was planned for 2013 Leisure Olympics.

If you are in need of any further information you may contact me by phone at (858) 220-6995, or by email at <u>rrynearson@freepb.org</u>.

Sincerely.

Robert Rynearson Treasurer, FREEPPB.ORG

Cc: directors Cory Briggs FREEPB.ORG is a public charity whose mission is to prevent the ension and promote the expansion of individual rights, privileges, and freedoms in San Diego, with an emphasis on public parks and beaches. FreeBoord strives to achieve this mission by:

- Working to change the mindset that more laws are the solution to community problems
- Promoting public awareness of threats to individual rights, privileges and freedoms
- Encouraging and facilitating public participation in the overall lawmaking process

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 Supporting alternatives to restrictive laws, including actively working to mitigate problems via direct involvement, volunteer work, and appropriate partnerships

FreePB.org is dedicated to being a highly inclusive community organization that adheres to the highest ethical standards, and respects the right of all citizens to express their points of view.