



THE CITY OF SAN DIEGO

M E M O R A N D U M

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

Issue – 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?

Staff Recommendations – 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.


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,



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

§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:

Ch. Art. Div.			
6	3	1	11

(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.)

Ch. Art. Div.

6 3 1 12

07254

Date Received _____
 Date Sent to Office of Special Events _____
 Method of Payment _____
 Cash _____ Check # _____
 Official City Receipt No. _____
 (attach a copy)

CITY OF SAN DIEGO PARK AND RECREATION DEPARTMENT

Control Number _____

1864
40929

RESERVATION FORM

FOR USE OF PARK SPACE (This is not a permit for park use)

Park/Field Name South Crown Point Soccer

Event Type Fundraise, Picnic, Reception (Attach a detailed description)

Date(s) Desired July 26, 2013 Time of use from 8 AM to 10 PM total hrs. 14

Set-up Date July 26, 2013 Set-up time from 8 AM to 10 AM total hrs. 2

Clean-up Date July 26, 2013 Clean-up time from 8 PM to 10 PM total hrs. 2

Name of Person/Host Organization/Company FRAPP, INC. Telephone (619) 997-0575

On Site Contact Person Ronald Hernandez Cellular (619) 220-6995

Address P.O. Box 9217, San Diego, CA Zip Code 92161

Email address: RHernandez@FRAPP, INC.

Estimated Total Attendance 200 Estimated Attendance at any given time 50

Is the Host Organization (company) a bona fide tax exempt nonprofit entity? Yes No

If yes, a copy of the 501 tax exemption letter is required and must be attached to the application.

Is admission, participation, registration and/or any other fees required? Yes No

Fund Raiser/Commercial/Promotion Activity Yes No

SITE PLAN/DIAGRAM Yes No (IF YES, MUST BE ATTACHED TO PROCESSING PERMIT APPLICATION FORM)

ROUTE MAP Yes No (IF YES, MUST BE ATTACHED TO PROCESSING PERMIT APPLICATION FORM)

No. of Portable Toilets (if required) 0 One Portable Toilet for every 250 persons (equivalent 10% ADA accessible).

No. of Dumpsters (if required) 0 One Dumpster with a Lid for every 300 persons required.

No. of Recycling Containers (required) 0 One recycling container is required per 100 persons if containers provided. A Recycling Dumpster is required for all events with 250 persons.

No. of Generators (if needed) 0 Generators are based on your event's power needs. All locations must be approved by the park supervisor. All cables must be ramped and a drip pan placed underneath the unit.

Any road or parking lot closures associated with the event? Yes No (If Yes, which?)

ALCOHOLIC BEVERAGE: Yes No

Do you plan on having alcoholic beverage service? Yes No (if yes, please check all that apply)

Free/Host Alcohol Alcohol Sales Hard Alcoholic Beer, Wine and/or Distilled Spirits

Bear Garden Hours: _____

Alcoholic beverages are not permitted in facilities, areas, and beaches where there is a prohibition by SDMC 26.54 without a Special Event Permit as issued by the Office of Special Events. The granting of such permit may require CEQA review. Glass containers of any kind are prohibited on all beaches and parks areas (SDMC 26.54).

EQUIPMENT SET-UP INFORMATION: Please list all additional equipment to be used and the company providing equipment: (i.e. tables, chairs, canopies, etc., inflatables, etc. Attach additional sheets if necessary)

TRUMP CATERING, 201 S. BROADWAY, SAN DIEGO, CA

10X10 CANOPIES, TABLES, CHAIRS AT SYRIZA, BENT ROAD, SAN DIEGO BY FLEETWAY

Please note: The Park and Recreation department provides people, water, or any equipment for outdoor events.

MUSIC/VOICE AMPLIFICATION: All amplification is subject to park supervisor approval, restrictions may apply.

Yes No If Yes, state type: PA System

Purpose: FRAPP, INC. FUNDRAISER MUSIC Intended Hours of Use: 10 AM - 8 PM

Application for a permit submitted and received by this office at least 120 Calendar Days in advance for a permit. This application/permit may be denied if the Park & Recreation staff determine that the event is not a minimum of 24 days before the event. ANY FAILURE TO FOLLOW THESE INSTRUCTIONS WILL BE CONSIDERED A VIOLATION OF YOUR PERMIT. YOU MUST PROVIDE A LETTER OF APPLICATION TO BE RE-EXAMINED WHICH INCLUDES THE REVISIONS AND ADDITIONAL APPLICATION FEES. Please notify this office in writing if your event is CANCELLED. Thank you and understand all the rules and regulations governing the use of City parkland and/or facilities that are attached to and a part of this application and agree to abide by same.

By (print name) Ronald Hernandez who hereby certifies that he/she is the duly qualified and authorized representative of PERMITTEE as set forth in this Application and Permit.

Authorized Signature Ronald Hernandez Date 9/30/13

Park & Recreation Department Representative Rita Martinez Date 9/30/13

DEVELOPMENT SERVICES DEPARTMENT (DSD) PLANNING REVIEW AND RECORDS FEE (collected

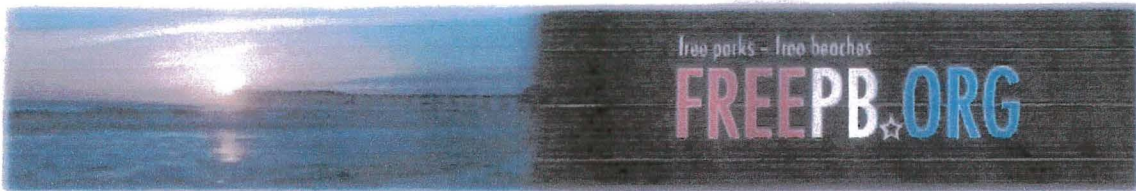
upon submittal of this application, other fees may apply, non-refundable): \$193

Park use fees will be determined upon approval of this application and the submittal

of a Permit for Park Use application.

FINAL CEQA DETERMINATION ATTACHED UPON DSD FINAL REVIEW

PR-1A (12-11) This information is available in alternative format upon request.



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 rynearson@freepb.org.

Sincerely,

A handwritten signature in black ink that reads 'Robert Rynearson'.

Robert Rynearson
Treasurer, FREEPPB.ORG

Cc: directors
Cory Briggs

FREEPB.ORG is a public charity whose mission is to prevent the erosion and promote the expansion of individual rights, privileges, and freedoms in San Diego, with an emphasis on public parks and beaches. FreePB.org 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
- 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.