

ORDINANCE NUMBER O- 20256 (NEW SERIES)

DATE OF FINAL PASSAGE MAY 02 2013

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO PERMITTING THE TEMPORARY PLACEMENT OF PENNANTS IN THE PUBLIC RIGHT OF WAY FOR THE PORTUGUESE FESTA CELEBRATION AND EXEMPTING APPLICATION OF SAN DIEGO MUNICIPAL CODE SECTION 142.1255(g)(9).

WHEREAS, the United Portuguese S.E.S., a charitable not for profit corporation established to serve the Portuguese-American community, is the organizer of the annual Festa do Espirito Santo, San Diego's oldest ethnic festival; and

WHEREAS, this year is the 103rd celebration of the Festa in San Diego; and

WHEREAS, the Festa is a three-day cultural celebration that draws visitors to Point Loma from the greater San Diego region, California, other parts of the United States, and as far away as Portugal, and brings visitor-related business to Point Loma and San Diego; and

WHEREAS, the Festa is an important cultural event for the City and the City's Portuguese community that dates back to the time when the first Portuguese families settled in San Diego in 1884 and was formally organized in 1910, and

WHEREAS, the Festa is recognized by and receives support from Portuguese communities throughout the State; and

WHEREAS, each year, United Portuguese S.E.S. applies for and receives a Special Event Permit from the City to hold the Festa including a parade through Point Loma from the chapel at the United Portuguese S.E.S. Hall on Avenida de Portugal to St. Agnes Catholic Church on Evergreen Street; and

WHEREAS, for many years as part of the Festa, a string of small colorful lightweight plastic pennants have been hung along the parade route to signify to the community the upcoming Festa celebration, to mark the route of the Festa parade, and to create a festive atmosphere for this important community and cultural celebration; and

WHEREAS, for this year's Festa, United Portuguese S.E.S. has applied for a Special Event Permit to hold the Festa from May 17, 2013 through May 19, 2013; and

WHEREAS, the Special Event Permit does not address the hanging of pennants as Festa decorations, and Festa organizers desire to string the colorful pennants, without logos or messages, along the parade route before, during and after the Festa weekend, as has been the practice in past years; and

WHEREAS, San Diego Municipal Code section 142.1255(k)(1) does not permit the hanging of pennants unless it is for the grand opening of a new establishment or as holiday decorations, and section 142.1255(g)(9) does not permit the hanging of pennants in the public right of way; and

WHEREAS, based upon the historical holiday tradition of the Festa, the important historical and cultural tradition of the Festa to the City and the Point Loma community, the economic benefit derived from visitors coming to the Festa, and the small nonintrusive and temporary nature of the pennants, the City Council desires to retroactively permit the stringing of pennants without logos or messages as holiday decorations under Municipal Code section 142.1255(k)(1)(B) along the parade route on a temporary basis for the 2013 Festa conditioned upon the issuance of an Encroachment Maintenance and Removal Agreement pursuant to San Diego Municipal Code section 129.0715, approval by the City Engineer and City Fire Marshal, and compliance with applicable regulations contained in San Diego Municipal Code; and

WHEREAS, because this activity does not involve the construction of any structures or facilities and due to the temporary and minor nature of the encroachment, no Public Right-of-Way Permit is required under Municipal Code section 129.0702 and no development permit is required; and

WHEREAS, this activity will not result in a direct or reasonably foreseeable indirect physical change to the environment and is exempt pursuant to the California Environmental Quality Act Guidelines section 15060(c)(2); NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That, notwithstanding San Diego Municipal Code section 142.1255(g)(9), United Portuguese S.E.S. may string small lightweight plastic pennants without logos or messages in the public right-of-way along the designated Festa parade route from May 9, 2013, through May 27, 2013, subject to the terms, conditions, and restrictions of an Encroachment Maintenance and Removal Agreement issued pursuant to Municipal Code section 129.0715 and approved by the City Engineer and City Fire Marshal.

Section 2. That the Encroachment Maintenance and Removal Agreement shall include a detailed description of the location and manner in which the pennants shall be placed, shall require that the pennants be placed, installed, and maintained to the satisfaction of the City Engineer and City Fire Marshal and shall be removed immediately upon the request of the City Engineer or City Fire Marshal, and shall include indemnification and insurance provisions as required by the City.

Section 3. That the pennants permitted under this ordinance shall comply with the regulations set forth in Municipal Code sections 142.1255(g)(7), (8), (10), and (11), except that pennants may be attached to trees in the public right-of-way.

Section 4. That the installation of pennants permitted under this ordinance shall not obstruct the ingress or egress from private property, and nothing in this ordinance shall authorize the attachment of pennants to private property.

Section 5. That the pennants permitted under this ordinance shall not include copy, i.e., shall not carry messages, logos, pictures or depictions.

Section 6. That the provisions of this ordinance shall not apply to any areas within the designated Coastal Zone.

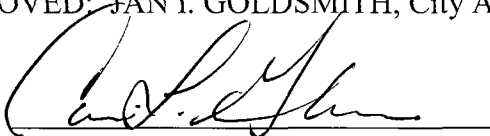
Section 7. That upon enactment, this ordinance shall be retroactive to May 9, 2013.

Section 8. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its passage.

Section 9. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, and shall be in effect through May 27, 2013.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

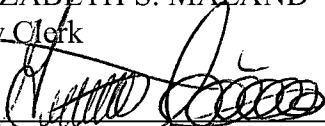


Carrie L. Gleeson
Deputy City Attorney

CLG:sc
4/4/13
Or.Dept: Council District 2
Doc.No.:541382

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of ~~APR 23 2013~~

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 5/2/13
(date)


BOB FILNER, Mayor

Vetoed: _____
(date)

BOB FILNER, Mayor

Passed by the Council of The City of San Diego on APR 23 2013, by the following vote:

| Councilmembers | Yeas | Nays | Not Present | Recused |
|---------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Sherrri Lightner | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Kevin Faulconer | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Todd Gloria | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| District 4 (Vacant) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mark Kersey | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Lorie Zapf | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Scott Sherman | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| David Alvarez | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Marti Emerald | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage MAY 02 2013

AUTHENTICATED BY: BOB FILNER
Mayor of The City of San Diego, California.

(Seal) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

APR 09 2013, and on MAY 02 2013

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

(Seal) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By [Signature], Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 20256