

COUNCIL DOCKET OF _____

Supplemental Adoption Consent Unanimous Consent Rules Committee Consultant Review

R -

O -

Alcohol-Free Beach Proposals

Reviewed Initiated By PS&NS On 10/10/07 Item No. 3

RECOMMENDATION TO:

Forward all of the versions in this item to the full City Council for consideration.

VOTED YEA: Maienschein, Young, Faulconer

VOTED NAY:

NOT PRESENT: Hueso

CITY CLERK: Please reference the following reports on the City Council Docket:

REPORT TO THE CITY COUNCIL NO:

COUNCIL COMMITTEE CONSULTANT ANALYSIS NO:

OTHER:

City Attorney's October 5, 2007, memorandum with Draft Ordinances Versions A, B, C, and D; Jessica Luedtke's October 5, 2007, e-mail; Citizens' e-mails; SafeBeaches' October 10, 2007, PowerPoint; FreePB's October 10, 2007, PowerPoint; John Greenhalgh's July 14, 2007, letter; John Greenhalgh's April 14, 2007, letter; Windansea letter with map; Mayor's October 10, 2007, PowerPoint; packets of signatures favoring ban

COUNCIL COMMITTEE CONSULTANT

John Rivera

000467

OFFICE OF

THE CITY ATTORNEY

CITY OF SAN DIEGO

Michael J. Aguirre

CITY ATTORNEY

PS&NS OCT 1 0 2007 #3

1200 THIRD AVENUE, SUITE 1620
SAN DIEGO, CALIFORNIA 92101-4178

TELEPHONE (619) 236-6220

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October 5, 2007

REPORT TO THE COMMITTEE ON PUBLIC
SAFETY AND NEIGHBORHOOD SERVICES

ALCOHOL BAN PROPOSALS

BACKGROUND

Limiting or prohibiting the consumption of alcohol at city beaches has long been the subject of much debate and disagreement. In 1991, pursuant to a referendum action, the City Council rescinded an ordinance which would have prohibited consumption at most city beaches.¹ In 2001, the City Council enacted an eighteen month prohibition on the consumption of alcohol at Mission and Pacific beaches. By voter referendum, that prohibition was challenged and the ban was not approved in the subsequent city-wide election.² More recently, an Alcohol Task Force tasked with addressing alcohol problems in the Pacific Beach area could not reach a consensus on whether to ban alcohol at the beach.³

On Labor Day of this year, police responded to requests by City lifeguards to address a large, rowdy crowd at the area commonly referred to as Reed Street in Pacific Beach. There were 16 arrests. Alcohol contributed to the misconduct of the persons at the beach. In response, city officials are now considering further alcohol restrictions or an outright ban of alcohol at all city beaches.⁴

PROPOSALS

City-wide Year-Round Alcohol Ban

The City Attorney's Office has drafted an ordinance banning alcohol at all city beaches. The proposed ordinance is Draft A. In order to address the likelihood of displacement of those desiring to consume alcohol to adjacent parks, bluffs, and to bay areas, the draft includes a ban at those locations as well. The "keg ordinance", which bans kegs on the Fourth of July, is repealed as it would no longer be needed.

¹ See City Attorney Report to the Committee on Public Facilities and Recreation, May 21, 1991.

² See Ordinance Number 0-18938, adopted April 30, 2001, and Proposition G, March 5, 2002 election.

³ See Susan Grant, *No Consensus*,

<http://www.voiceofsandiego.org/articles/2007/08/01/government/702alcohol070307.txt>

⁴ See David E. Graham, *16 Arrested After Fight at Beach Becomes Melee*, San Diego Union Tribune, September 4th, 2007, at B2.

Special events would continue to be exempted under the proposal. Permits issued by Parks and Recreation would continue to be consistent with the Municipal Code, meaning they would not provide a permit for an event with alcohol in a beach or park that is otherwise prohibited.

City-wide, Summer Holiday Periods Only Alcohol Ban

Mayor Sanders requested the City Attorney draft an ordinance banning alcohol consumption at all city beaches for certain defined holiday periods, specifically the periods around Memorial Day, the Fourth of July, and Labor Day. The proposed ordinance is Draft B. In order to address the likelihood of displacement of those desiring to consume alcohol to adjacent parks, bluffs, and to bay areas, the draft includes a ban at those locations as well for the specified time periods. The "keg ordinance", which bans kegs on the Fourth of July, is repealed as it would no longer be needed.

Special events would continue to be exempted under the proposal. Permits issued by Parks and Recreation would continue to be consistent with the Municipal Code, meaning they would not provide a permit for an event with alcohol in a beach or park that is otherwise prohibited.

La Jolla Community Proposal

On August 27, 2007, the La Jolla Town Council Parks and Beaches Committee voted to propose extending the current ban in La Jolla to include Marine Street Park. The draft ordinance is Draft C. Because of displacement concerns, all of La Jolla beaches and adjacent parks and bluffs are included.

Special events would continue to be exempted under the proposal. Permits issued by Parks and Recreation would continue to be consistent with the Municipal Code, meaning they would not provide a permit for an event with alcohol in a beach or park that is otherwise prohibited.

District 2 Proposal

District 2 requested an ordinance banning alcohol at all city beaches. In District 2, the bay, and parks and bluffs adjacent to the beaches and bays, are included. In District 1, alcohol is banned at all city beaches, including adjacent bluffs. Adjacent parks are not included in the ban. The proposed ordinance is Draft D. The "keg ordinance", which bans kegs on the Fourth of July, is repealed as it would no longer be needed.

Special events would continue to be exempted under the proposal. Permits issued by Parks and Recreation would continue to be consistent with the Municipal Code, meaning they would not provide a permit for an event with alcohol in a beach or park that is otherwise prohibited.

Under all proposals, violations of San Diego Municipal Code section 56.54 would continue to be misdemeanors.

LEGAL ANALYSIS

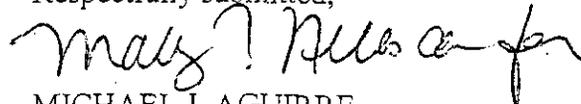
The California Constitution states "[t]he State of California . . . shall have the exclusive right and power to license and regulate the manufacture, sale, purchase, possession and transportation of alcoholic beverages within the State . . ." Cal. Const. art. XX, § 22. This section has been interpreted by the courts to mean the state has preempted the regulation of alcohol only in the specifically enumerated areas. *See People v. Brewer*, 235 Cal. App. 3d 909 (1991); *People v. Butler*, 252 Cal. App. 2d Supp. 1053 (1967). The court in *Butler* relied on its finding "that regulation of consumption of alcoholic beverages as distinguished from possession, transportation, etc., was almost studiously omitted, it seems, in article XX, section 22 of the Constitution." *Butler*, 252 Cal. App. 2d at 1057. Based on its finding, the court went on to say "there is nothing in the state law which indicates an intention to fully occupy the field relating to the consumption of alcoholic beverages in other than licensed premises, and the general rule permitting additional supplementary local regulation is, therefore, applicable." *Id.* at 1057. The decision allows cities to regulate the consumption of alcoholic beverages without running afoul of state law so long as the regulation does not infringe on those areas already controlled by the state.

The City has exercised its authority in this area and has enacted supplementary regulations which restrict the consumption of alcohol in public places. San Diego Municipal Code section 56.54 contains a broad ban which prohibits the consumption of alcohol on all public rights-of-way, including but not limited to, public streets, parking lots, sidewalks, alleys, plazas, piers and seawalls. The ordinance also restricts the consumption of alcoholic beverages in specifically named beaches and parks. This ordinance was passed after findings by the Council that the consumption of alcoholic beverages in the restricted areas could result in harm to the public safety, health, and welfare. Should City Council choose to adopt any of the proposals currently before PS&NS, (or amended or modified versions of the proposals), the Council should make similar findings.

CONCLUSION

The City Attorney's Office stands ready to assist the Committee in its discussion of these proposals.

Respectfully submitted,



MICHAEL J. AGUIRRE
City Attorney

000471

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER (FOR AUDITOR'S USE) 53
3. DATE: 11/20
October 26, 2007

TO: City Council

2. FROM (ORIGINATING DEPARTMENT): Councilmember Faulconer

4. SUBJECT: Alcohol-Free Beach Proposals
5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.): Steve McNally 236-6622 MS10A
6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.):
7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

8. COMPLETE FOR ACCOUNTING PURPOSES

8. COMPLETE FOR ACCOUNTING PURPOSES					9. ADDITIONAL INFORMATION / ESTIMATED COST:	
FUND						
DEPT.						
ORGANIZATION						
OBJECT ACCOUNT						
JOB ORDER						
C.I.P. NUMBER						
AMOUNT						

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT	CM FAULCONER by <i>SMcNally</i>	10/31/07	8			
2				9			
3				10			
4				11			
5				DOCKET COORD: _____ COUNCIL LIAISON _____			
6				<input checked="" type="checkbox"/> COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: _____			
7							

11. PREPARATION OF: RESOLUTIONS ORDINANCE(S) AGREEMENT(S) DEED(S)
Introduction of four versions of an alcohol-free beach ordinance. The four versions include the following:
i. Version A - All beaches, coastal rights-of-way, and coastal parks (year-round ban);
ii. Version-B - All beaches, coastal rights-of-way, and coastal parks on Memorial Day, Fourth of July, and Labor Day holiday periods ;
iii. Version - C - All La Jolla beaches, coastal rights-of-way, and coastal parks (year-round); and
iv. Version-D - All beaches and coastal rights-of-way in Council Districts 1 and 2, and all coastal parks in Council District 2 (year-round)

11A. COUNCILMEMBER FAULCONER'S RECOMMENDATION: PER PS&NS, FORWARD ALL FOUR VERSIONS TO THE CITY COUNCIL FOR FULL REVIEW.

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)
COUNCIL DISTRICT(S): ALL
COMMUNITY AREA(S): ALL
ENVIRONMENTAL IMPACT: THIS IS NOT A "PROJECT" FOR THE PURPOSES OF CEQA.
HOUSING IMPACT: N/A
OTHER ISSUES: N/A

CITY ATTORNEY DIGEST

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

EFFECTIVE DATE _____

RECEIVED
07 NOV 16 PM 4:45
CITY CLERK'S OFFICE
SAN DIEGO, CA

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 6,
DIVISION 0, OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 56.54, AND SECTION 56.71,
RELATING TO ALCOHOL CONSUMPTION IN CERTAIN
AREAS.

An ordinance to amend Chapter 5, Article 6, Division 0 of the San Diego Municipal Code by amending section 56.54, titled "Alcohol Beverage Consumption Prohibited in Certain Areas" to add all public beaches, bays, and coastal rights-of-way in Council Districts One and Two, and all coastal parks in Council District Two (all coastal parks south of Tourmaline Surfing Park) to the list of public property covered by the existing 24-hour ban. This ordinance also amends section 56.71 relating to the Fourth of July keg ban.

This ordinance contains a notice that a full reading of this ordinance is dispensed with prior to its passage, a written copy having been available to the City Council and the public prior to the day of passage.

This ordinance shall take effect and be in full force on the thirtieth day from and after its final passage.

This ordinance shall remain in effect for one year, at which time it shall be automatically repealed.

A complete copy of the Ordinance is available for inspection in the Office of the City
Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street,
San Diego, CA 92101.

KAD:ca
11/1/07
11/5/07 REV. COPY
11/16/2007 COR.COPY
Dept:City Attorney
O-2008-65-D

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 6,
DIVISION 0, OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 56.54, AND SECTION 56.71,
RELATING TO ALCOHOL CONSUMPTION IN CERTAIN
AREAS

WHEREAS, there has been an increase in alcohol-related criminal activities, noise, violence, and dangerous, aggressive and/or offensive conduct related to the excessive use and abuse of alcohol at beach areas throughout the City of San Diego; and

WHEREAS, on Labor Day 2007, an alcohol-induced melee occurred in Pacific Beach which necessitated San Diego police in riot gear to arrest sixteen people in order to restore the public peace; and

WHEREAS, many citizens of the City of San Diego fear to take their families to the beach areas because of drunk and disorderly conduct; and

WHEREAS, it has been the experience of other coastal communities that prohibition of alcohol at their beaches results in a decrease in violence and undesirable behavior; and

WHEREAS, it is the intent of this ordinance to prohibit the consumption of alcoholic beverages at all public beaches, bays, and coastal access, view point, and bluff rights-of-way, and all coastal parks in Council District Two (all coastal parks south of Tourmaline Surfing Park), in addition to prohibiting and limiting alcohol consumption at certain public parks; NOW, THEREFORE,

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

Section 1. That Chapter 5, Article 6, Division 0 of the San Diego Municipal Code [SDMC] is amended by amending section 56.54 to read as follows:

§ 56.54

Alcoholic Beverage Consumption Prohibited in Certain Areas

- (a) [No change in text.]
- (b) Unless the City Manager or designee has issued a special event permit, unless otherwise provided under the terms of a lease agreement with the City of San Diego, or unless otherwise permitted by section 56.54, it is unlawful for any person to consume any *alcoholic beverage* at any time, upon 1) any public property, including all public *beaches*, but not including *public parks* except as specifically listed in Appendices 56.54A, 56.54B, and 56.54C, and not including Mission Bay Golf Course; and 2) public rights-of-way, including but not limited to public streets, parking lots, sidewalks, alleys, plazas, piers, jetties, including on or against *seawalls*, including all sidewalks along the outer perimeters of such areas and including any sidewalks, boardwalks and other public rights-of-way at any *beach* or coastal bluff.
- (c) [No change in text.]
- (d) [No change in text.]
- (e) Section 56.54 does not prohibit:
 - (1) any person from consuming *alcoholic beverages* within the defined boundaries of a *sidewalk cafe* located on the public right-of-way, or on property leased from the City.
 - (2) any business from lawfully selling or dispensing *alcoholic beverages* in accordance with the requirements of local and state law.

**APPENDIX 56.54A
24 HOUR BAN**

Adams Community Park

Adams Elementary School/Park

Alcott Elementary School/Park

Allen, Dennis V., Neighborhood Park

Azalea Community Park

Balboa Park areas not included in Section 56.54(c) [Appendix 56.54B]

Bay Terraces Neighborhood Park

Bay Terraces Junior High School/Park

Berry Neighborhood Park

Birdland Neighborhood Park (Fletcher Elementary School/Park)

Bird Rock Elementary School/Park

Birney Elementary School/Park

Black Mountain Middle School/Park

Boone Neighborhood Park

Cabrillo Elementary School/Park

Cabrillo Mini-Park

Cabrillo Recreation Center

Cadman Community Park

Cadman Elementary School/Park

Cedar Ridge Mini-Park

Central Mini-Park

Chicano Neighborhood Park
Children's Park & Pond
Chollas Canyon Park
Chollas Lake Community Park
City Heights Community Park
City Heights Mini-Park
Clay Elementary School/Park
Clay Mini-Park
Clay Neighborhood Park
Cliffridge Athletic Area
Colina del Sol Community Park
Dailard Elementary School/Park
Dana Center
Doyle Community Park
East San Diego Adult Recreation Club
Edison Elementary School/Park
Emerald Hills Neighborhood Park
Encanto Community Park
Field Elementary School/Park
Forward Elementary School/Park
Franklin Elementary School/Park
Gaslamp Square Park
Golden Hill Community Park

Gompers Neighborhood Park
Grant Elementary School/Park
Grant Hill Neighborhood Park
Hardy Elementary School/Park
Henderson, Willie, Athletic Area
Hollywood Neighborhood Park
Hoover Senior High School/Park
Horton Plaza Park
Hourglass Community Park
Howard Lane Neighborhood Park
"J" Street Mini- Park
Jerabek Neighborhood Park
Juarez Elementary School/Park
Keiller Neighborhood Park
Kellogg Park, including the boardwalk, *seawall* and La Jolla Shores Beach
Kelly Neighborhood Park
Kennedy, John F., Elementary School/Park Kennedy Neighborhood Park
Kensington Neighborhood Park
King, Martin Luther Community Park
King, Martin Luther, Elementary School/Park "L" Street Mini-Park (at 28th Street)
La Jolla Athletic Area (Allen Field)
La Jolla Community Park
La Jolla Elementary School/Park

La Jolla Senior High School/Park

La Paz Mini- Park (undeveloped)

Laurel Street Mini-Park

Lewis Middle School/Park

Linda Vista Community Park

Lindberg Neighborhood Park; Community Park

Lomita Neighborhood Park

Macdowell Neighborhood Park

Marian Bear Memorial Park

Mata Mini- Park

Memorial Community Park

Mesa Verde Neighborhood Park

Mesa Viking Neighborhood Park

Mid-City Athletic Area

Mira Mesa Senior High School/Park

Mission Bay Park: All land areas of Mission Bay Park, including Bayside Walk, Ocean Beach Athletic Area (Robb Field) and Dusty Rhodes Park, including the parking lots, Santa Clara Point, Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Fields), Fiesta Island, Famosa Slough and Channel, and Fanuel Street Park

Mission Beach Park, including the Belmont Park public areas and parking lots, including the boardwalk, *seawall*, and the *beach*

Mission Heights Neighborhood Park

Mission Trails Regional Park

Montclair Neighborhood Park

Montgomery-Waller Community Park

Mount Etna Neighborhood Park

Mountain View Community Park

Nestor Neighborhood Park

North Clairemont Community Park

North Mountain View Mini-Park

North Park Community Park

Oak Neighborhood Park

Ocean Beach Elementary School/Park

Ocean Beach Park, including the boardwalk *seawall*, jetty, and the *beach*;

Ocean Boulevard Park (Pacific Beach Park), including the boardwalk, *seawall*, and the *beach*

Old Trolley Barn Neighborhood Park

Pacific Beach Community Park

Pacific Beach Middle School/Park

Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Field)

Palisades Park North (undeveloped)

Palisades Park South (Law Street)

Palm Ridge Neighborhood Park

Pantoja Mini-Park

Paradise Hills Community Park

Park de la Cruz

Parkside Neighborhood Park

Penn Elementary School/Park (Athletic Area)

Plumosa Neighborhood Park

Point Loma Community Park

Portola Middle School/Park

Presidio Community Park

Rolando Mini-Park

Rose Canyon Park

San Diego School of Creative and Performing Arts

Santa Clara Point

Santa Isabel Mini-Park

San Ysidro Athletic Area (Larsen Field)

San Ysidro Col. Irving Solomon Center

San Ysidro Community Park

Serra Senior High School/Park

Sherman Elementary School/Park

Sherman Mini-Park

Silverwing Neighborhood Park

Skyline Community Park

Skyview Neighborhood Park

South Bay Community Park

(South) Clairemont Community Park

South Mission Beach Park, including the boardwalk, *seawall*, and the *beach*;

Southcrest Community Park

Spreckels Elementary School/Park

Standley Junior High School/Park

Sunny Slope Neighborhood Park

Sunset Cliffs Natural Park

Taylor Library Park

Tecolote Canyon Natural Park

Tierrasanta Elementary School/Park

Tourmaline Surfing Park

Union Place Circle Park

Valencia Elementary School/Park

Villa del Norte Mini-Park

Vista Terrace Neighborhood Park

Wabash Mini-Park

Walker Neighborhood Park

Washington Elementary School/Park

Western Hills Neighborhood Park

Widman, Marie, Memorial Neighborhood Park (Little Encanto Park)

Wilson Middle School/Park

30th Street Mini-Park

32nd Street Mini-Park (north of Redwood)

39th Street Mini-Park

41st Street Mini-Park

All parking lots in Mission Bay Park;

All parking lots on the Pacific Ocean between the southern boundary of Sunset Cliffs Park and the southern boundary of Torrey Pines State Park

The Peninsula of land known as "The Clam" including all areas west of Coast Walk and the La Jolla sea caves, and north of the public parking lots adjacent to 1325 Coast Boulevard which are accessible to pedestrians.

All coastal access, view point and bluff rights-of-way.

Crystal Pier and Ocean Beach Pier.

APPENDIX 56.54B
12 HOUR BAN – 8:00 P.M. – 8:00 A.M.

That portion of Balboa Park bounded by Upas Street on the north, Highway 163 on the west, Interstate 5 on the south, and Park Boulevard on the east;

Cabrillo Heights Neighborhood Park

Carmel Creek Neighborhood Park

Carmel Del Mar Neighborhood Park

Cleator, Bill, Neighborhood Park

Collier Neighborhood Park

East Clairemont Athletic Area

Gershwin Neighborhood Park

Lake Murray Community Park

Montezuma Neighborhood Park

Mount Acadia Neighborhood Park

Murray Ridge Neighborhood Park

Ocean Beach Community Park

Olive Grove Community Park

Pioneer Park (Mission Hills)

Presidio Park

Rancho Bernardo Community Park

San Carlos Community Park
Serra Mesa Community Park
Sessions, Kate, Neighborhood Park
Solana Highland Neighborhood Park
Tecolote Community Park

APPENDIX 56.54C
16 HOUR BAN - 8:00 P.M. – NOON

All coastal parks north of Tourmaline Surfing Park, including:

Calumet Park
Charlotte Park
Hermosa Park
Hermosa Terrace Park
La Strand Park
Nicholson's Point Park
Scripps Park
Windansea Park

Section 2. That Chapter 5, Article 6, Division 0 of the San Diego Municipal Code

[SDMC] is amended by amending section 56.71 to read as follows:

§56.71 Kegs at Designated Areas Prohibited

- (a) It is unlawful for any person to possess any keg containing any *alcoholic beverage* that has been opened, or a seal broken, or the contents of which have been partially removed at any designated public area on the Fourth of July.

- (b) For the purposes of Section 56.71(a), a designated public area includes the following areas: All coastal parks north of the northern boundary of Tourmaline Surfing Park.
- (c) A violation of Section 56.71(a) shall be punishable as an infraction.
- (d) Each keg possessed shall constitute a separate and punishable violation of Section 56.71(a).
- (e) Section 56.71(a) does not apply to a special event or commercial special event for which a special event permit has been issued pursuant to Section 22.4004.

Section 3. Pursuant to Public Resources Code section 21000 et. seq. the ordinance is categorically exempt under State CEQA guidelines section 15305 as a minor alteration to a land use limitation, and under State CEQA guidelines section 15061(b)(3) as an amendment to an ordinance that will not affect environmental resources.

Section 4. That a full reading of this ordinance is dispensed with prior to its passage, a written copy having been available to the City Council and the public prior to the day of its passage.

Section 5. That the amendments to sections 56.54 and 56.71 made by this ordinance shall take effect and be in force on the thirtieth day from and after its final passage, and shall remain in effect for one year (until _____), unless extended by the City Council. If the amendments to sections 56.54 and 56.71 are not extended by the City Council, the amendments to sections 56.54 and 56.71 shall be automatically repealed and removed from the San Diego

Municipal Code and the provisions of sections 56.54 and 56.71 that were in effect prior to final passage of this ordinance shall return to full force and effect.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Kimberly Ann Davies
Deputy City Attorney

KAD:ca
11/1/2007
11/5/2007REV
11/16/2007COR.COPY
Dept: City Attorney
O-2008-65-D

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~STRIKEOUT~~
NEW LANGUAGE: UNDERLINE

(O-2008-65 D-REV)
COR.COPY

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE: _____

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 6,
DIVISION 0, OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 56.54, AND SECTION 56.71,
RELATING TO ALCOHOL CONSUMPTION IN CERTAIN
AREAS.

§ 56.54

Alcoholic Beverage Consumption Prohibited in Certain Areas

- (a) [No change in text.]
- (b) Unless the City Manager or designee has issued a special event permit, unless otherwise provided under the terms of a lease agreement with the City of San Diego, or unless otherwise permitted by section 56.54, it is unlawful for any person to consume any *alcoholic beverage* at any time, upon 1) any public property, including all public beaches, but not including *public parks and beaches* except as specifically listed in Appendices 56.54A, 56.54B and 56.54C, and not including Mission Bay Golf Course; and 2) public rights-of-way, including but not limited to public streets, parking lots, sidewalks, alleys, plazas, piers, jetties, including on or against *seawalls*, ~~and~~ including all sidewalks along the outer perimeters of such areas, and including any sidewalks, boardwalks and other public rights-of-way at any beach or coastal bluff.

- (c) [No change in text.]
- (d) [No change in text.]
- (e) Section 56.54 does not prohibit:
 - (1) any person from consuming *alcoholic beverages* within the defined boundaries of a *sidewalk cafe* located on the public right-of-way, or on property leased from the City.
 - (2) any business from lawfully selling or dispensing *alcoholic beverages* in accordance with the requirements of local and state law.

**APPENDIX 56.54A
24 HOUR BAN**

Adams Community Park

Adams Elementary School/Park

Alcott Elementary School/Park

Allen, Dennis V., Neighborhood Park

Azalea Community Park

Balboa Park areas not included in Section 56.54(c) [Appendix 56.54B]

Bay Terraces Neighborhood Park

Bay Terraces Junior High School/Park

Berry Neighborhood Park

Birdland Neighborhood Park (Fletcher Elementary School/Park)

Bird Rock Elementary School/Park

Birney Elementary School/Park

Black Mountain Middle School/Park

Boone Neighborhood Park
Cabrillo Elementary School/Park
Cabrillo Mini-Park
Cabrillo Recreation Center
Cadman Community Park
Cadman Elementary School/Park
Cedar Ridge Mini-Park
Central Mini-Park
Chicano Neighborhood Park
Children's Park & Pond
Chollas Canyon Park
Chollas Lake Community Park
City Heights Community Park
City Heights Mini-Park
Clay Elementary School/Park
Clay Mini-Park
Clay Neighborhood Park
Cliffridge Athletic Area
Colina del Sol Community Park
Dailard Elementary School/Park
Dana Center
Doyle Community Park
East San Diego Adult Recreation Club

Edison Elementary School/Park
Emerald Hills Neighborhood Park
Encanto Community Park
~~Faniel Street Park~~
Field Elementary School/Park
Forward Elementary School/Park
Franklin Elementary School/Park
Gaslamp Square Park
Golden Hill Community Park
Gompers Neighborhood Park
Grant Elementary School/Park
Grant Hill Neighborhood Park
Hardy Elementary School/Park
Henderson, Willie, Athletic Area
Hollywood Neighborhood Park
Hoover Senior High School/Park
Horton Plaza Park
Hourglass Community Park
Howard Lane Neighborhood Park
"J" Street Mini- Park
Jerabek Neighborhood Park
Juarez Elementary School/Park
Keiller Neighborhood Park

Kellogg Park, including the boardwalk, *seawall* and La Jolla Shores Beach

Kelly Neighborhood Park

Kennedy, John F., Elementary School/Park Kennedy Neighborhood Park

Kensington Neighborhood Park

King, Martin Luther Community Park

King, Martin Luther, Elementary School/Park "L" Street Mini-Park (at 28th Street)

La Jolla Athletic Area (Allen Field)

La Jolla Community Park

La Jolla Elementary School/Park

La Jolla Senior High School/Park

La Paz Mini- Park (undeveloped)

Laurel Street Mini-Park

Lewis Middle School/Park

Linda Vista Community Park

Lindberg Neighborhood Park; Community Park

Lomita Neighborhood Park

Macdowell Neighborhood Park

Marian Bear Memorial Park

~~Marine Street Beach, including the *beach*, bluffs, stairs, and adjacent public rights-of-way between the northern property line of 274 Coast Boulevard and the westerly extension of the northern side of Westbourne Street;~~

Mata Mini- Park

Memorial Community Park

Mesa Verde Neighborhood Park

Mesa Viking Neighborhood Park

Mid-City Athletic Area

Mira Mesa Senior High School/Park

Mission Bay Park: All land areas of Mission Bay Park, including Bayside Walk, Ocean Beach Athletic Area (Robb Field) and Dusty Rhodes Park, including the parking lots, Santa Clara Point, Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Fields), Fiesta Island, Famosa Slough and Channel, and Fanuel Street Park.

Mission Beach Park, including the Belmont Park public areas and parking lots, including the boardwalk, and seawall, and excluding the beach; as described in Section 56.54(d) [~~Appendix 56.54C~~]

Mission Heights Neighborhood Park

Mission Trails Regional Park

Montclair Neighborhood Park

Montgomery-Waller Community Park

Mount Etna Neighborhood Park

Mountain View Community Park

Nestor Neighborhood Park

North Clairemont Community Park

North Mountain View Mini-Park

North Park Community Park

Oak Neighborhood Park

Ocean Beach Elementary School/Park

Ocean Beach Park, including the boardwalk, and seawall, jetty, and excluding the beach; as described in Section 56.54(d) [~~Appendix 56.54C~~];

Ocean Boulevard Park (Pacific Beach Park), including the boardwalk, and seawall, and excluding the beach; as described in Section 56.54(d) [~~Appendix 56.54C~~]

Old Trolley Barn Neighborhood Park

Pacific Beach Community Park

Pacific Beach Middle School/Park

Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Field)

Palisades Park North (undeveloped)

Palisades Park South (Law Street)

Palm Ridge Neighborhood Park

Pantoja Mini-Park

Paradise Hills Community Park

Park de la Cruz

Parkside Neighborhood Park

Penn Elementary School/Park (Athletic Area) Plumosa Neighborhood Park

Point Loma Community Park

Portola Middle School/Park

Presidio Community Park

Rolando Mini-Park

Rose Canyon Park

San Diego School of Creative and Performing Arts

Santa Clara Point

Santa Isabel Mini-Park

San Ysidro Athletic Area (Larsen Field)

San Ysidro Col. Irving Solomon Center

San Ysidro Community Park

Serra Senior High School/Park

Sherman Elementary School/Park

Sherman Mini-Park

Silverwing Neighborhood Park

Skyline Community Park

Skyview Neighborhood Park

South Bay Community Park

(South) Clairemont Community Park

South Mission Beach Park, including the boardwalk, and seawall, and excluding the beach; as described in Section 56.54(d) [Appendix 56.54C]

Southcrest Community Park

Spreckels Elementary School/Park

Standley Junior High School/Park

Sunny Slope Neighborhood Park

Sunset Cliffs Natural Park

Taylor Library Park

Tecolote Canyon Natural Park

Tierrasanta Elementary School/Park

Tourmaline Surfing Park

Union Place Circle Park

Valencia Elementary School/Park

Villa del Norte Mini-Park

Vista Terrace Neighborhood Park

Wabash Mini-Park

Walker Neighborhood Park

Washington Elementary School/Park

Western Hills Neighborhood Park

Widman, Marie, Memorial Neighborhood Park (Little Encanto Park)

Wilson Middle School/Park

30th Street Mini-Park

32nd Street Mini-Park (north of Redwood)

39th Street Mini-Park

41st Street Mini-Park

All parking lots in Mission Bay Park;

All parking lots on the Pacific Ocean between the southern boundary of Sunset Cliffs Park and the southern boundary of Torrey Pines State Park;

The Peninsula of land known as "The Clam" including all areas west of Coast Walk and the La Jolla sea caves, and north of the public parking lots adjacent to 1325 Coast Boulevard which are accessible to pedestrians.

All coastal access, view point and bluff rights-of-way.

Crystal Pier and Ocean Beach Pier.

APPENDIX 56.54B

12 HOUR BAN – 8:00 P.M. – 8:00 A.M.

That portion of Balboa Park bounded by Upas Street on the north, Highway 163 on the west, Interstate 5 on the south, and Park Boulevard on the east;

Cabrillo Heights Neighborhood Park

Carmel Creek Neighborhood Park

Carmel Del Mar Neighborhood Park

Cleator, Bill, Neighborhood Park

Collier Neighborhood Park

East Clairemont Athletic Area

~~Famosa Slough and Channel~~
Gershwin Neighborhood Park
Lake Murray Community Park
Montezuma Neighborhood Park
Mount Acadia Neighborhood Park
Murray Ridge Neighborhood Park
Ocean Beach Community Park
Olive Grove Community Park
Pioneer Park (Mission Hills)
Presidio Park
Rancho Bernardo Community Park
San Carlos Community Park
Serra Mesa Community Park
Sessions, Kate, Neighborhood Park
Solana Highland Neighborhood Park; ~~Tecolote Community Park~~
Tecolote Community Park

APPENDIX 56.54C
16 HOUR BAN – 8:00 P.M. – NOON

~~All beaches on the Pacific Ocean and adjacent parks and perimeter sidewalks between the southern boundary of Sunset Cliffs Park and the southern boundary of Torrey Pines State Park that are not included in section 56.54(b) [Appendix 56.54A]; and~~

~~All land areas of Mission Bay Park, including Bayside Walk, Ocean Beach Athletic Area (Robb Field) and Dusty Rhodes Park, but excluding parking lots, Santa Clara Point, Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Fields), and Fanuel Street Park.~~

~~All land areas of Mission Bay Park, including Bayside Walk, Ocean Beach Athletic Area (Robb Field) and Dusty Rhodes Park, but excluding parking lots, Santa Clara Point, Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Fields), and Fanuel Street Park.~~

All coastal parks north of Tourmaline Surfing Park, including:

Calumet Park

Charlotte Park

Hermosa Park

Hermosa Terrace Park

La Strand Park

Nicholson's Point Park

Scripps Park

Windansea Park

§56.71 Kegs at Designated Areas Prohibited

- (a) It is unlawful for any person to possess any keg containing any *alcoholic beverage* that has been opened, or a seal broken, or the contents of which have been partially removed at any designated public area on the Fourth of July.
- (b) For the purposes of Section 56.71(a), a designated public area includes the following areas: All coastal parks north of the northern boundary of Tourmaline Surfing Park.
- (1) ~~All beaches on the Pacific Ocean and adjacent parts and perimeter sidewalks between the southern boundary of Sunset Cliffs Park and the Southern Boundary of Torrey Pines Park; and~~
- (2) ~~All land areas of Mission Bay Park, including Fanuel Street Park, Sail Bay, Crown Point, Bayside Walk, Ocean Beach Athletic Area (Robb Field), Dusty Rhodes Park, including parking lots, Santa Clara Point, and Bob McEvoy Youth Fields (Mission Bay Youth Fields).~~
- (c) A violation of Section 56.71(a) shall be punishable as an infraction.

- (d) Each keg possessed shall constitute a separate and punishable violation of Section 56.71(a).
- (e) Section 56.71(a) does not apply to a special event or commercial special event for which a special event permit has been issued pursuant to Section 22.4004.

MTN KAD:lb:ca
11/01/2007
11/05/07 REV. COPY
11/16/2007 COR.COPY
Dept: City Attorney
O-2008-65 D SO

CITY ATTORNEY DIGEST

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

EFFECTIVE DATE _____

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 6,
DIVISION 0, OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 56.54, AND SECTION 56.71,
RELATING TO ALCOHOL CONSUMPTION IN CERTAIN
AREAS

An ordinance to amend Chapter 5, Article 6, Division 0 of the San Diego Municipal Code by amending section 56.54, titled "Alcohol Beverage Consumption Prohibited in Certain Areas" to add all public beaches, bays, and coastal rights-of-way in Council Districts One and Two, and all coastal parks in Council District Two (all coastal parks south of Tourmaline Surfing Park) to the list of public property covered by the existing 24-hour ban. This ordinance also amends sections 56.71 relating to the Fourth of July keg ban.

This ordinance contains a notice that a full reading of this ordinance is dispensed with prior to its passage, a written copy having been available to the City Council and the public prior to the day of passage.

This ordinance shall take effect and be in full force on the thirtieth day from and after its final passage.

000474

(O-2008-65-D)

A complete copy of the Ordinance is available for inspection in the Office of the City
Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street,
San Diego, CA 92101.

KAD:ca
11/01/07
Dept:City Attorney
O-2008-65-D

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 6, DIVISION 0, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 56.54, AND SECTION 56.71, RELATING TO ALCOHOL CONSUMPTION IN CERTAIN AREAS

RECEIVED
CITY CLERK'S OFFICE
07 NOV -5 AM 12:56
SAN DIEGO, CALIF.

WHEREAS, there has been an increase in alcohol-related criminal activities, noise, violence, and dangerous, aggressive and/or offensive conduct related to the excessive use and abuse of alcohol at beach areas throughout the City of San Diego;

WHEREAS, on Labor Day 2007, an alcohol-induced melee occurred in Pacific Beach which necessitated San Diego police in riot gear to arrest sixteen people in order to restore the public peace;

WHEREAS, many citizens of the City of San Diego fear to take their families to the beach areas because of drunk and disorderly conduct;

WHEREAS, it has been the experience of other coastal communities that prohibition of alcohol at their beaches results in a decrease in violence and undesirable behavior;

WHEREAS, it is the intent of this ordinance to prohibit the consumption of alcoholic beverages at all public beaches, bays, and coastal access, view point, and bluff rights-of-way, and all coastal parks in Council District Two (all coastal parks south of Tourmaline Surfing Park), in addition to prohibiting and limiting alcohol consumption at certain public parks; NOW, THEREFORE

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

Section 1. That Chapter 5, Article 6, Division 0 of the San Diego Municipal Code [SDMC] is amended by amending section 56.54 to read as follows:

§ 56.54 Alcoholic Beverage Consumption Prohibited in Certain Areas

- (a) [No change in text.]
- (b) Unless the City Manager or designee has issued a special event permit, unless otherwise provided under the terms of a lease agreement with the City of San Diego, or unless otherwise permitted by section 56.54, it is unlawful for any person to consume any *alcoholic beverage* at any time, upon 1) any public property, including all public *beaches*, but not including *public parks* except as specifically listed in Appendices 56.54A, 56.54B, and 56.54C, and not including Mission Bay Golf Course; and 2) public rights-of-way, including but not limited to public streets, parking lots, sidewalks, alleys, plazas, piers, jetties, including on or against *seawalls*, including all sidewalks along the outer perimeters of such areas and including any sidewalks, boardwalks and other public rights-of-way at any *beach* or coastal bluff.
- (c) [No change in text.]
- (d) Section 56.54 does not prohibit:
 - (1) any person from consuming *alcoholic beverages* within the defined boundaries of a *sidewalk cafe* located on the public right-of-way, or on property leased from the City.
 - (2) any business from lawfully selling or dispensing *alcoholic beverages* in accordance with the requirements of local and state law.

**APPENDIX 56.54A
24 HOUR BAN**

Adams Community Park

Adams Elementary School/Park

Alcott Elementary School/Park

Allen, Dennis V., Neighborhood Park

Azalea Community Park

Balboa Park areas not included in Section 56.54(c) [Appendix 56.54B]

Bay Terraces Neighborhood Park

Bay Terraces Junior High School/Park

Berry Neighborhood Park

Birdland Neighborhood Park (Fletcher Elementary School/Park)

Bird Rock Elementary School/Park

Birney Elementary School/Park

Black Mountain Middle School/Park

Boone Neighborhood Park

Cabrillo Elementary School/Park

Cabrillo Mini-Park

Cabrillo Recreation Center

Cadman Community Park

Cadman Elementary School/Park

Cedar Ridge Mini-Park

Central Mini-Park

Chicano Neighborhood Park

Children's Park & Pond
Chollas Canyon Park
Chollas Lake Community Park
City Heights Community Park
City Heights Mini-Park
Clay Elementary School/Park
Clay Mini-Park
Clay Neighborhood Park
Cliffridge Athletic Area
Colina del Sol Community Park
Dailard Elementary School/Park
Dana Center
Doyle Community Park
East San Diego Adult Recreation Club
Edison Elementary School/Park
Emerald Hills Neighborhood Park
Encanto Community Park
Field Elementary School/Park
Forward Elementary School/Park
Franklin Elementary School/Park
Gaslamp Square Park
Golden Hill Community Park
Gompers Neighborhood Park

Grant Elementary School/Park
Grant Hill Neighborhood Park
Hardy Elementary School/Park
Henderson, Willie, Athletic Area
Hollywood Neighborhood Park
Hoover Senior High School/Park
Horton Plaza Park
Hourglass Community Park
Howard Lane Neighborhood Park
"J" Street Mini- Park
Jerabek Neighborhood Park
Juarez Elementary School/Park
Keiller Neighborhood Park
Kellogg Park, including the boardwalk, *seawall* and La Jolla Shores Beach
Kelly Neighborhood Park
Kennedy, John F., Elementary School/Park Kennedy Neighborhood Park
Kensington Neighborhood Park
King, Martin Luther Community Park
King, Martin Luther, Elementary School/Park "L" Street Mini-Park (at 28th Street)
La Jolla Athletic Area (Allen Field)
La Jolla Community Park
La Jolla Elementary School/Park
La Jolla Senior High School/Park

La Paz Mini- Park (undeveloped)

Laurel Street Mini-Park

Lewis Middle School/Park

Linda Vista Community Park

Lindberg Neighborhood Park; Community Park

Lomita Neighborhood Park

Macdowell Neighborhood Park

Marian Bear Memorial Park

Mata Mini- Park

Memorial Community Park

Mesa Verde Neighborhood Park

Mesa Viking Neighborhood Park

Mid-City Athletic Area

Mira Mesa Senior High School/Park

Mission Bay Park: All land areas of Mission Bay Park, including Bayside Walk, Ocean Beach Athletic Area (Robb Field) and Dusty Rhodes Park, including the parking lots, Santa Clara Point, Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Fields), Fiesta Island, Famosa Slough and Channel, and Fanuel Street Park

Mission Beach Park, including the Belmont Park public areas and parking lots, including the boardwalk, *seawall*, and the *beach*

Mission Heights Neighborhood Park

Mission Trails Regional Park

Montclair Neighborhood Park

Montgomery-Waller Community Park

Mount Etna Neighborhood Park

Mountain View Community Park

Nestor Neighborhood Park

North Clairemont Community Park

North Mountain View Mini-Park

North Park Community Park

Oak Neighborhood Park

Ocean Beach Elementary School/Park

Ocean Beach Park, including the boardwalk *seawall*, jetty, and the *beach*;

Ocean Boulevard Park (Pacific Beach Park), including the boardwalk, *seawall*, and the *beach*

Old Trolley Barn Neighborhood Park

Pacific Beach Community Park

Pacific Beach Middle School/Park

Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Field)

Palisades Park North (undeveloped)

Palisades Park South (Law Street)

Palm Ridge Neighborhood Park

Pantoja Mini-Park

Paradise Hills Community Park

Park de la Cruz

Parkside Neighborhood Park

Penn Elementary School/Park (Athletic Area)

Plumosa Neighborhood Park

Point Loma Community Park

Portola Middle School/Park
Presidio Community Park
Rolando Mini-Park
Rose Canyon Park
San Diego School of Creative and Performing Arts
Santa Clara Point
Santa Isabel Mini-Park
San Ysidro Athletic Area (Larsen Field)
San Ysidro Col. Irving Solomon Center
San Ysidro Community Park
Serra Senior High School/Park
Sherman Elementary School/Park
Sherman Mini-Park
Silverwing Neighborhood Park
Skyline Community Park
Skyview Neighborhood Park
South Bay Community Park
(South) Clairemont Community Park
South Mission Beach Park, including the boardwalk, *seawall*, and the *beach*;
Southcrest Community Park
Spreckels Elementary School/Park
Standley Junior High School/Park
Sunny Slope Neighborhood Park

Sunset Cliffs Natural Park

Taylor Library Park

Tecolote Canyon Natural Park

Tierrasanta Elementary School/Park

Tourmaline Surfing Park

Union Place Circle Park

Valencia Elementary School/Park

Villa del Norte Mini-Park

Vista Terrace Neighborhood Park

Wabash Mini-Park

Walker Neighborhood Park

Washington Elementary School/Park

Western Hills Neighborhood Park

Widman, Marie, Memorial Neighborhood Park (Little Encanto Park)

Wilson Middle School/Park

30th Street Mini-Park

32nd Street Mini-Park (north of Redwood)

39th Street Mini-Park

41st Street Mini-Park

All parking lots in Mission Bay Park;

All parking lots on the Pacific Ocean between the southern boundary of Sunset Cliffs Park and the southern boundary of Torrey Pines State Park

The Peninsula of land known as "The Clam" including all areas west of Coast Walk and the La Jolla sea caves, and north of the public parking lots adjacent to 1325 Coast Boulevard which are accessible to pedestrians.

All coastal access, view point and bluff rights-of-way.

Crystal Pier and Ocean Beach Pier.

APPENDIX 56.54B
12 HOUR BAN – 8:00 P.M. – 8:00 A.M.

That portion of Balboa Park bounded by Upas Street on the north, Highway 163 on the west, Interstate 5 on the south, and Park Boulevard on the east;

Cabrillo Heights Neighborhood Park

Carmel Creek Neighborhood Park

Carmel Del Mar Neighborhood Park

Cleator, Bill, Neighborhood Park

Collier Neighborhood Park

East Clairemont Athletic Area

Gershwin Neighborhood Park

Lake Murray Community Park

Montezuma Neighborhood Park

Mount Acadia Neighborhood Park

Murray Ridge Neighborhood Park

Ocean Beach Community Park

Olive Grove Community Park

Pioneer Park (Mission Hills)

Presidio Park

Rancho Bernardo Community Park

San Carlos Community Park

Serra Mesa Community Park
Sessions, Kate, Neighborhood Park
Solana Highland Neighborhood Park
Tecolote Community Park

APPENDIX 56.54C
16 HOUR BAN - 8:00 P.M. - NOON

All coastal parks north of the northern boundary of Tourmaline Surfing Park, including:

Calumet Park
Charlotte Park
Hermosa Park
Hermosa Terrace Park
La Strand Park
Nicholson's Point Park
Scripps Park
Windansea Park

Section 2. That Chapter 5, Article 6, Division 0 of the San Diego Municipal Code

[SDMC] is amended by amending section 56.71 to read as follows:

§56.71 Kegs at Designated Areas Prohibited

- (a) It is unlawful for any person to possess any keg containing any *alcoholic beverage* that has been opened, or a seal broken, or the contents of which have been partially removed at any designated public area on the Fourth of July.
- (b) For the purposes of Section 56.71(a), a designated public area includes the following areas: All coastal parks north of the northern boundary of Tourmaline Surfing Park.

- (c) A violation of Section 56.71(a) shall be punishable as an infraction.
- (d) Each keg possessed shall constitute a separate and punishable violation of Section 56.71(a).
- (e) Section 56.71(a) does not apply to a special event or commercial special event for which a special event permit has been issued pursuant to Section 22.4004.

Section 3. Pursuant to Public Resources Code section 21000 et. seq. the ordinance is categorically exempt under State CEQA guidelines section 15305 as a minor alteration to a land use limitation, and under State CEQA guidelines section 15061(b)(3) as an amendment to an ordinance that will not affect environmental resources.

Section 4. That a full reading of this ordinance is dispensed with prior to its passage, a written copy having been available to the City Council and the public a day prior to the day of its passage.

Section 5. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

Kimberly Ann Davies
Deputy City Attorney

KAD:ca
11/1/2007
Dept: City Attorney
O-2008-65-D

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~STRIKEOUT~~NEW LANGUAGE: UNDERLINE

(O-2008-65 D)

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 6,
DIVISION 0, OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 56.54, AND SECTION 56.71,
RELATING TO ALCOHOL CONSUMPTION IN CERTAIN
AREAS

§ 56.54

Alcoholic Beverage Consumption Prohibited in Certain Areas

- (a) [No change in text.]
- (b) Unless the City Manager or designee has issued a special event permit, unless otherwise provided under the terms of a lease agreement with the City of San Diego, or unless otherwise permitted by section 56.54, it is unlawful for any person to consume any *alcoholic beverage* at any time, upon 1) any public property, including all public beaches, but not including public parks and beaches except as specifically listed in Appendixes 56.54A, 56.54B and 56.54C, and not including Mission Bay Golf Course; and 2) public rights-of-way, including but not limited to public streets, parking lots, sidewalks, alleys, plazas, piers, jetties, including on or against seawalls, and including all sidewalks along the outer perimeters of such areas, and including any sidewalks, boardwalks and other public rights-of-way at any beach or coastal bluff.
- (c) [No change in text.]

(d) ~~16 Hour Ban~~

~~It is unlawful to consume alcohol in the areas listed in Appendix 56.54C between 8:00 p.m. and Noon, unless the City Manager or designee has issued a special event permit or unless otherwise permitted by Section 56.54.~~

(e)(d) Section 56.54 does not prohibit:

- (1) any person from consuming *alcoholic beverages* within the defined boundaries of a sidewalk cafe located on the public right-of-way, or on property leased from the City.
- (2) any business from lawfully selling or dispensing *alcoholic beverages* in accordance with the requirements of local and state law.

**APPENDIX 56.54A
24 HOUR BAN**

Adams Community Park
Adams Elementary School/Park
Alcott Elementary School/Park
Allen, Dennis V., Neighborhood Park
Azalea Community Park
Balboa Park areas not included in Section 56.54(c) [Appendix 56.54B]
Bay Terraces Neighborhood Park
Bay Terraces Junior High School/Park
Berry Neighborhood Park
Birdland Neighborhood Park (Fletcher Elementary School/Park)
Bird Rock Elementary School/Park
Birney Elementary School/Park
Black Mountain Middle School/Park
Boone Neighborhood Park
Cabrillo Elementary School/Park
Cabrillo Mini-Park
Cabrillo Recreation Center
Cadman Community Park
Cadman Elementary School/Park

000491

Cedar Ridge Mini-Park
Central Mini-Park
Chicano Neighborhood Park
Children's Park & Pond
Chollas Canyon Park
Chollas Lake Community Park
City Heights Community Park
City Heights Mini-Park
Clay Elementary School/Park
Clay Mini-Park
Clay Neighborhood Park
Cliffridge Athletic Area
Colina del Sol Community Park
Dailard Elementary School/Park
Dana Center
Doyle Community Park
East San Diego Adult Recreation Club
Edison Elementary School/Park
Emerald Hills Neighborhood Park
Encanto Community Park
~~Fanuel Street Park~~
Field Elementary School/Park
Forward Elementary School/Park
Franklin Elementary School/Park
Gaslamp Square Park
Golden Hill Community Park
Gompers Neighborhood Park
Grant Elementary School/Park
Grant Hill Neighborhood Park
Hardy Elementary School/Park
Henderson, Willie, Athletic Area
Hollywood Neighborhood Park
Hoover Senior High School/Park
Horton Plaza Park
Hourglass Community Park
Howard Lane Neighborhood Park
"J" Street Mini- Park
Jerabek Neighborhood Park
Juarez Elementary School/Park
Keiller Neighborhood Park
Kellogg Park, including the boardwalk, *seawall* and La Jolla Shores Beach
Kelly Neighborhood Park
Kennedy, John F., Elementary School/Park Kennedy Neighborhood Park
Kensington Neighborhood Park
King, Martin Luther Community Park
King, Martin Luther, Elementary School/Park "L" Street Mini-Park (at 28th Street)

La Jolla Athletic Area (Allen Field)
 La Jolla Community Park
 La Jolla Elementary School/Park
 La Jolla Senior High School/Park
 La Paz Mini- Park (undeveloped)
 Laurel Street Mini-Park
 Lewis Middle School/Park
 Linda Vista Community Park
 Lindberg Neighborhood Park; Community Park
 Lomita Neighborhood Park
 Macdowell Neighborhood Park
 Marian Bear Memorial Park
~~Marine Street Beach, including the beach, bluffs, stairs, and adjacent public rights of way between the northern property line of 274 Coast Boulevard and the westerly extension of the northern side of Westbourne Street;~~
 Mata Mini- Park
 Memorial Community Park
 Mesa Verde Neighborhood Park
 Mesa Viking Neighborhood Park
 Mid-City Athletic Area
 Mira Mesa Senior High School/Park
Mission Bay Park: All land areas of Mission Bay Park, including Bayside Walk, Ocean Beach Athletic Area (Robb Field) and Dusty Rhodes Park, including the parking lots; Santa Clara Point, Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Fields), Fiesta Island, Famosa Slough and Channel, and Fanuel Street Park
 Mission Beach Park, including the Belmont Park public areas and parking lots, including the boardwalk, and seawall, and excluding the beach; as described in Section 56.54(d) [Appendix 56.54C]
 Mission Heights Neighborhood Park
 Mission Trails Regional Park
 Montclair Neighborhood Park
 Montgomery-Waller Community Park
 Mount Etna Neighborhood Park
 Mountain View Community Park
 Nestor Neighborhood Park
 North Clairemont Community Park
 North Mountain View Mini-Park
 North Park Community Park
 Oak Neighborhood Park
 Ocean Beach Elementary School/Park
 Ocean Beach Park, including the boardwalk, and seawall, jetty, and excluding the beach; as described in Section 56.54(d) [Appendix 56.54C];
 Ocean Boulevard Park (Pacific Beach Park), including the boardwalk, and seawall, and excluding the beach; as described in Section 56.54(d) [Appendix 56.54C]
 Old Trolley Barn Neighborhood Park
 Pacific Beach Community Park

000493

Pacific Beach Middle School/Park
Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Field)
Palisades Park North (undeveloped)
Palisades Park South (Law Street)
Palm Ridge Neighborhood Park
Pantoja Mini-Park
Paradise Hills Community Park
Park de la Cruz
Parkside Neighborhood Park
Penn Elementary School/Park (Athletic Area) Plumosa Neighborhood Park
Point Loma Community Park
Portola Middle School/Park
Presidio Community Park
Rolando Mini-Park
Rose Canyon Park
San Diego School of Creative and Performing Arts
Santa Clara Point
Santa Isabel Mini-Park
San Ysidro Athletic Area (Larsen Field)
San Ysidro Col. Irving Solomon Center
San Ysidro Community Park
Scerra Senior High School/Park
Sherman Elementary School/Park
Sherman Mini-Park
Silverwing Neighborhood Park
Skyline Community Park
Skyview Neighborhood Park
South Bay Community Park
(South) Clairemont Community Park
South Mission Beach Park, including the boardwalk, and seawall, and excluding the beach; as described in Section 56.54(d) [Appendix 56.54C]
Southcrest Community Park
Spreckels Elementary School/Park
Standley Junior High School/Park
Sunny Slope Neighborhood Park
Sunset Cliffs Natural Park
Taylor Library Park
Tecolote Canyon Natural Park
Tierrasanta Elementary School/Park
Tourmaline Surfing Park
Union Place Circle Park
Valencia Elementary School/Park
Villa del Norte Mini-Park
Vista Terrace Neighborhood Park
Wabash Mini-Park
Walker Neighborhood Park

000494

Washington Elementary School/Park
Western Hills Neighborhood Park
Widman, Marie, Memorial Neighborhood Park (Little Encanto Park)
Wilson Middle School/Park
30th Street Mini-Park
32nd Street Mini-Park (north of Redwood)
39th Street Mini-Park
41st Street Mini-Park
All parking lots in Mission Bay Park;

All parking lots on the Pacific Ocean between the southern boundary of Sunset Cliffs Park and the southern boundary of Torrey Pines State Park;

The Peninsula of land known as "The Clam" including all areas west of Coast Walk and the La Jolla sea caves, and north of the public parking lots adjacent to 1325 Coast Boulevard which are accessible to pedestrians.

All coastal access, view point and bluff rights-of-way.

Crystal Pier and Ocean Beach Pier

APPENDIX 56.54B
12 HOUR BAN - 8:00 P.M. - 8:00 A.M.

That portion of Balboa Park bounded by Upas Street on the north, Highway 163 on the west, Interstate 5 on the south, and Park Boulevard on the east;
Cabrillo Heights Neighborhood Park
Carmel Creek Neighborhood Park
Carmel Del Mar Neighborhood Park
Cleator, Bill, Neighborhood Park
Collier Neighborhood Park
East Clairemont Athletic Area
~~Famosa Slough and Channel~~
Gershwin Neighborhood Park
Lake Murray Community Park
Montezuma Neighborhood Park
Mount Acadia Neighborhood Park
Murray Ridge Neighborhood Park
Ocean Beach Community Park
Olive Grove Community Park
Pioneer Park (Mission Hills)
Presidio Park
Rancho Bernardo Community Park
San Carlos Community Park
Serra Mesa Community Park

000495

Sessions, Kate, Neighborhood Park
Solana Highland Neighborhood Park; ~~Tecolote Community Park~~
Tecolote Community Park

APPENDIX 56.54C
16 HOUR BAN – 8:00 P.M. – NOON

~~All beaches on the Pacific Ocean and adjacent parks and perimeter sidewalks between the southern boundary of Sunset Cliffs Park and the southern boundary of Torrey Pines State Park that are not included in section 56.54(b) [Appendix 56.54A]; and~~

~~All land areas of Mission Bay Park, including Bayside Walk, Ocean Beach Athletic Area (Robb Field) and Dusty Rhodes Park, but excluding parking lots, Santa Clara Point, Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Fields), and Fanuel Street Park.~~

~~All land areas of Mission Bay Park, including Bayside Walk, Ocean Beach Athletic Area (Robb Field) and Dusty Rhodes Park, but excluding parking lots, Santa Clara Point, Bob McEvoy Youth Fields (Mission Bay/Pacific Beach Youth Fields), and Fanuel Street Park.~~

All coastal parks north of the northern boundary of Tourmaline Surfing Park, including:

Calumet Park
Charlotte Park
Hermosa Park
Hermosa Terrace Park
La Strand Park
Nicholson's Point Park
Scripps Park
Windansea Park

§56.71 Kegs at Designated Areas Prohibited

- (a) It is unlawful for any person to possess any keg containing any *alcoholic beverage* that has been opened, or a seal broken, or the contents of which

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have been partially removed at any designated public area on the Fourth of July.

(b) For the purposes of Section 56.71(a), a designated public area includes the following areas: All coastal parks north of the northern boundary of Tourmaline Surfing Park.

(1) ~~All beaches on the Pacific Ocean and adjacent parts and perimeter sidewalks between the southern boundary of Sunset Cliffs Park and the Southern Boundary of Torrey Pines Park; and~~

(2) ~~All land areas of Mission Bay Park, including Fanuel Street Park, Sail Bay, Crown Point, Bayside Walk, Ocean Beach Athletic Area (Robb Field), Dusty Rhodes Park, including parking lots, Santa Clara Point, and Bob McEvoy Youth Fields (Mission Bay Youth Fields).~~

(c) A violation of Section 56.71(a) shall be punishable as an infraction.

(d) Each keg possessed shall constitute a separate and punishable violation of Section 56.71(a).

(e) Section 56.71(a) does not apply to a special event or commercial special event for which a special event permit has been issued pursuant to Section 22.4004.

MTN KAD:lb:ca
11/01/2007
Dept: City Attorney
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