

DATE ISSUED: January 21, 2004

REPORT NO. 04-011

ATTENTION: Honorable Mayor and City Council  
Docket of January 26, 2004

SUBJECT: PETCO Park Ordinances

SUMMARY

Issue:

Should the City Council approve proposed new and amended ordinances regulating activities in and around PETCO Park, Outfield Park and the surrounding Ballpark District?

Manager's Recommendation:

Approve the proposed new and amended ordinances which will regulate activities in and around PETCO Park, Outfield Park, and the surrounding Ballpark District.

Specifically:

1. An ordinance of the Council of the City of San Diego amending Chapter 5, Article 9, Division 1, of the San Diego Municipal Code by amending the Title of Article 9, Division 1; by amending Sections 59.0101; and 59.0102; and by repealing Sections 59.0103 and 59.0104; by adding Division 2 titled "Prohibited Activities Within City Sports Facilities," Sections 59.0201 and 59.0202; by adding Division 3 titled "Ballpark District," Sections 59.0301, 59.0302, 59.0303, and 59.0304; by adding Division 4 titled "Outfield Park," Section 59.0401; by adding Division 5 titled "Prohibited Activities in Qualcomm Stadium Parking Facility," Sections 59.0501, 59.0502, and 59.0503, all relating to City sports facilities.

2. An ordinance of the Council of the City of San Diego amending Chapter 3, Article 3, Division 14, of the San Diego Municipal Code by amending Section 33.1406 titled "Soliciting, Peddling Prohibited in Certain Areas."
3. An ordinance of the Council of the City of San Diego amending Chapter 2, Article 2, Division 40, of the San Diego Municipal Code by amending Section 22.4009, titled "Time for Filing Application for Special Event Permit; Time for Notifying City Manager of Demonstration."

Other Recommendations:

Draft copies of the proposed new and amended ordinances have been sent to the following organizations for review and comment:

Ace Parking, Barrio Logan, Centre City Advisory Committee (CCAC), Downtown Partnership, East Village Community Action Network, East Village Association, Gaslamp Quarter Association, Golden Hill, North Park, San Diego City College Coalition for Prevention, Sherman Heights, Uptown, Uptown Partnership, Vitality San Diego.

In addition, drafts were sent to the Centre City Development Corporation, the San Diego Convention Center Corporation, and the San Diego Padres.

Fiscal Impact:

Police – Based on anticipated services required at PETCO Park – including the surrounding neighborhood and Outfield Park – it is projected that Police Department expenses will increase by a maximum of \$225,000 for the balance of Fiscal Year 2004, compared to current services and expenses at Qualcomm Stadium. Actual costs will depend upon PETCO Park attendance and resulting police staffing levels, as well as cost reimbursement negotiations with the Padres, which are presently underway. This Fiscal Year 2004 cost impact will be absorbed by the Police Department.

For Fiscal Year 2005, after some operational experience is gained from March through June, 2004, an estimate of expenses will be included in the Police Department's official Fiscal Year 2005 budget request.

Fire – The Fire-Rescue Department is currently not anticipating the deployment of any new additional engines, trucks, ambulances or fire prevention personnel in the downtown area for the opening of PETCO Park. Given the recent events that have taken their toll on the city's fire resources citywide, there may be an impact to fire and medical service delivery downtown and in the surrounding areas. This situation draws additional resources in from the surrounding communities, impacting the overall citywide service delivery levels and needs to be considered during the Fiscal Year 2005 budget process.

The Fire Department is in the process of responding to the new Master Environmental Impact Report (MEIR) being developed by Project Design Consultants for an update to

the Centre City Community Plan. In addition, the City Manager will be returning to the Public Safety and Neighborhood Services Committee on February 11, 2004 with a Public Safety Action report, which will include information regarding environmental impact report evaluations of public safety impacts resulting from development.

Maintenance – Maintenance costs associated with the PETCO Park neighborhood will be addressed in the Fiscal Year 2005 operating budgets for several other City departments, including Park and Recreation, General Services and Environmental Services.

## BACKGROUND

The new PETCO Park will host the San Diego Padres' Season Opener on April 8, 2004. Opening Day will be preceded by a number of planned opening activities and special events. Currently, these Pre-Opening Day events include the following:

- The Aztec Invitational Baseball Tournament. (March 11 - 14, 2004);
- A "Base-Ball" charitable event (April 2, 2004);
- Two exhibition games between the Padres and the Mariners (April 3 and April 4, 2004).

In addition to regularly scheduled major league baseball games, non-baseball events will be held at PETCO Park and in the adjacent Outfield Park.

In order to provide appropriate regulation of activities in and around PETCO Park, Outfield Park and the surrounding Ballpark District, new and amended ordinance language has been developed. Ordinances for PETCO Park have been combined with the existing Qualcomm Stadium ordinance so there will be one comprehensive ordinance addressing both facilities. Full texts of the proposed new and amended ordinance language accompanies this report as Attachments A, B and C.

The following summary highlights key elements of the new and proposed ordinances.

### **Definitions (Chapter 5, Article 9, Division 1)**

- Ballpark District – shall mean that territory lying between Harbor Drive and a line extending along 6<sup>th</sup> Avenue to Island Avenue; Island Avenue to 14<sup>th</sup> Street; 14<sup>th</sup> Street to Commercial Street; and thence along a line extending from Commercial Street to Harbor Drive this area is shown in Figure 1, Chapter 5, Article 9, Division 3 of the Municipal Code.
- Outfield Park – The park-like area adjacent to PETCO Park suitable for observing events in PETCO Park. Sometimes referred to as "The Park in the Park."

- Tailgating – shall mean any person standing, sitting, or remaining in the area of a vehicle, chair, table, ice-chest, barbeque, or similar device for the purpose of consuming any food or beverage, or for the purpose of socializing before, during or at the conclusion of an event.
- City Events – Any event at PETCO Park conducted, authorized, or permitted by the City, or conducted by any other person authorized, sponsored, or permitted by the City, at which there is an expected attendance of ten thousand spectators or more.

**Activities Prohibited within PETCO Park (Chapter 5, Article 9, Division 2)**

- Throwing objects in the stands or onto the field.
- Exploding fireworks, smoke bombs, stink bombs, etc.
- Entering an area not open to the general public (field, service areas, etc.).
- Bringing in cans, bottles, thermos, etc. unless authorized in writing by the Ballpark Manager.
- Entering without a ticket or permission.
- Using a restroom of the opposite sex (children under 10 exempted).
- Noisy, boisterous, rowdy behavior so as to disturb spectators or participants are subject to ejection. Subject to arrest if reentry after ejection.
- Bringing in noisemakers, such as air horns, etc.
- Bringing in animals other than service animals.
- Remaining more than one hour after the conclusion of an event.
- Selling anything without a business license and the permission of the Ballpark Manager.
- Attaching stickers.
- Smoking.
- Riding skateboards, roller-blades, roller skates, or similar devices.

**Prohibited on the Perimeter Sidewalks, Walkways and Promenades of PETCO Park During Events (Chapter 5, Article 9, Division 3)**

- Throwing objects.
- Bringing in cans, bottles, thermos, etc. unless authorized in writing by the Ballpark Manager.
- Bringing in noisemakers, such as air horns, etc.
- Bringing in animals other than service animals.
- Riding skateboards, roller-blades, roller skates, or similar devices.
- Bringing in tables, chairs, umbrellas, etc. without the written permission of the Ballpark Manager and the City Manager.

#### **Outfield Park (Chapter 5, Article 9, Division 4)**

- Outfield Park is open to the public during posted hours except four and one-half hours before the beginning of Padre games and Baseball Events, or two hours before City Events until one-hour after the conclusion of a game or event.
- Outfield Park is part of PETCO Park, and is subject to PETCO Park regulations four and one-half hours before the beginning of Padre games and Baseball Events or two hours before City Events until one-hour after the conclusion of a game or event.
- Existing City park ordinances are applicable when Outfield Park is open to the public.
- Alcohol consumption is prohibited when Outfield Park is open to the public.

#### **Activities Prohibited within the Ballpark District (Chapter 5, Article 9, Division 3)**

The Ballpark District is designated a “Special Event Venue” four and one-half hours before the beginning of Padre games and Baseball Events or two hours before City Events until one hour after the conclusion of a game or event. The prohibited activities described below are time specific and are only prohibited during the “Special Event Venue” and upon public lands or rights-of-way while the designation is in effect.

- Tailgating – does not include Tailgate Park or Outfield Park. Note: Parking lots on private property are not subject to enforcement of Municipal Code Section 56.54, which regulates drinking on public property and public rights-of-way. Owners and managers of private parking lots are responsible for regulating their own property.

It should also be noted that Tailgate Park operations will be governed by a separate Operations Plan that will be reviewed and approved by the Centre City Advisory Committee, the Centre City Development Corporation and the City Council prior to the opening of Tailgate Park.

- Pedicab operations. Prior to and immediately following events at PETCO Park, large numbers of pedestrians will be passing through the Ballpark District to trolley stations, parking facilities, and area businesses. In order to minimize conflicts between pedestrians and all types of vehicles, pedicabs will be prohibited within the Ballpark District.
- Throwing, depositing, posting, affixing any handbills etc. to any public property.
- Turning loose any animal.
- Consumption from any glass liquid containers except in residences and where permitted by terms of a lease (existing businesses).
- Leaving trash behind.
- Performing street exhibitions, shows, etc.
- Playing ballgames.
- Using a restroom of the opposite sex (children under 10 exempted).
- Riding bicycles except where authorized or on a road designated for automotive traffic.
- Blocking sidewalks or roads.
- Manipulating any water, sewer or electric valves and switches.
- Throwing objects.
- Exploding fireworks, smoke bombs, stink bombs, etc.
- Engaging in illegal vending on public property and outdoor spaces, conducting unauthorized special events, posting illegal signage and promotions as well as activities deemed to be ambush marketing attempts.
- Posting temporary signage without express permission of permittee (Padres or other Event Representatives).
- Allowing a motor coach (carrying 15 or more persons) to idle while parked for more than 15 minutes. (When loading or unloading passengers, motor coaches shall not idle for longer than is reasonably necessary to load or unload passengers.)

Currently Applicable Laws: Some members of the downtown community have expressed concern about potential impacts to the areas immediately outside of the Ballpark District, specifically regarding sales on public rights-of-way, litter, and signs. To a great extent, these activities are already regulated as set forth below:

Sales on Public Rights-of-Way: San Diego Municipal Code section 54.0105 prohibits placing any merchandise or goods on any sidewalk or curb, except for the time necessary to load or unload. San Diego Municipal Code section 54.0122 (c) prohibits sales from vehicles, unless those vehicles are lawfully parked and only for the period of time necessary to complete an immediate sale.

The sale for profit, upon any public street, sidewalk, park or other public place, of admission tickets to places of public amusement or entertainment is prohibited under San Diego Municipal Code section 57.14.

Vending upon any on or off ramp, freeway shoulder, or area within 500 feet of a freeway is prohibited by California Vehicle Code section 22520.5.

Littering: Littering upon private or public property is prohibited by San Diego Municipal Code section 54.0201 and California Penal Code section 374.4.

Signs: Both within and outside of the Special Event Venue, the Sign Ordinance applies. Chapter 9 of the Municipal Code generally prohibits signs on the public right-of-way without a permit. Some exceptions are temporary signs advertising real estate, construction signs, addresses, and warning signs such as no trespassing. Also, Chapter 14 sets forth a permit requirement and application process for regulating signs visible from the public right-of-way.

Finally, many of the Planned Districts have their own sign criteria governing signage on private property. These are set forth in Chapter 10. The Centre City Planned District regulations are set forth at sections 103.1915(1). Any sign in this area must also comply with the requirements set forth in Chapter 14.

### **PETCO Park Special Event Permits (Chapter 2, Article 2, Division 40)**

Application for Special Events (non-Padre games or baseball events) shall be submitted in accordance with the time limits and procedures established by the City Manager.

**Soliciting and Peddling (Chapter 3, Article 3, Division 14)**

Extends the eastern boundary of the existing area prohibiting street soliciting, peddling, etc. (pushcarts, etc.) from 12<sup>th</sup> Avenue/Park Boulevard to 14<sup>th</sup> Street in order to incorporate all of the Ballpark District.

Respectfully submitted,

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Jon Dunchack  
Director, Special Projects

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Approved: Bruce Herring  
Deputy City Manager

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Note: Attachments A, B and C are not available in electronic format. A copy is available for review in the Office of the City Clerk.

Attachments:

[Figure 1 – Ballpark District Boundaries](#)

Attachment A – Ordinance Amending Chapter 2

Attachment B – Ordinance Amending Chapter 3

Attachment C – Ordinance Amending Chapter 5