



DATE ISSUED: April 10, 2006 REPORT NO: 06-036

ATTENTION: Public Safety and Neighborhood Services Committee
Docket of April 12, 2006

SUBJECT: Appeal Hearing for the Denial of the Pacific Beach Street Fair Permit Application

REFERENCE: San Diego Municipal Code Sections 22.4001-22.4038

The City of San Diego
REPORT TO THE CITY COUNCIL

REQUESTED ACTION: Hear the denial appeal from the applicant for the Pacific Beach Street Fair.

STAFF RECOMMENDATION: Deny appeal.

SUMMARY: On March 27, 2006, the City of San Diego issued a letter of denial to the applicant for the Pacific Beach Street Fair (Administrative Record "AR"1). The Pacific Beach Street Fair special event permit application represented a proposal for an event that was intended to serve as a modified version of the Pacific Beach Block Party (AR 2). Denial of the event was based on the lack of community support from community organizations that are officially recognized by the City of San Diego as advisory to the City for the special event permitting process (AR 3) and concerns related to documented impacts to public safety and private property issues (AR 4).

Background

Over the years, the Pacific Beach Block Party has grown to become one of the largest street festivals in the City of San Diego. The San Diego Police Department estimated between 150,000 and 200,000 people attended the 2005 event.

Dating back to 1998, the community has voiced strong concern regarding the impact the event has on the neighborhoods surrounding the venue (AR 5). In response, event organizers of the Block Party initiated a number of strategies to reduce the impact of the event on the neighborhood ranging in scope from the elimination of beer gardens at the event to hiring additional police officers to patrolling the surrounding neighborhoods.

While implementation of these strategies may have initially reduced some of the impacts of the event on the community; the strategies have not brought significant long term resolution to many of the issues that primarily affect the residential community. Moreover, the ever increasing attendance levels of the event have served to generate increased impacts to a broader range of the community (AR 4).

Following the 2005 event, the City of San Diego received numerous letters of complaint from business owners and residents putting the City on notice of specific issues related to impacts on public safety and personal property that are a result of the event (AR 4). The City of San Diego, in turn, notified Discover Pacific Beach (the Business Improvement District for the area and the 2005 event permit applicant) of the issues expressed by the community (AR 6). Subsequently, Discover Pacific Beach (the Business Improvement District for the area and 2005 event permit applicant) notified the City of San Diego that the organization would not be the applicant for the Pacific Beach Block Party 2006 and asked that the City not issue a permit to any group. The letter also indicated that Discover Pacific Beach planned to embark on a community-wide process to establish special event guidelines for the community review of special events proposed to take place in Pacific Beach (AR 7). This is similar to a process that other heavily impacted community areas have undergone, such as the Gaslamp Quarter District, Balboa Park, and La Jolla (AR 8).

Subsequent to the notification to the City by Discover Pacific Beach, the Pacific Beach Community Foundation which had formerly been the applicant for the Block Party prior to the Business Improvement District, submitted a permit application for the Pacific Beach Street Fair. The application was intended to represent a modified version of the Block Party (AR 2).

Permit Application Requirements

The City of San Diego's citywide special event permitting process provides the framework for the comprehensive review, permit issuance and on-site management of events taking place primarily on public property. Special events that receive permits through this process are typically large-scale in nature or have complex components associated with the event. Last year, more than 700 hundred events attended by an estimated 5.7 million people received permits from the City using the citywide special event permitting process (AR 9).

The City's special event permit application (AR 10) has been designed to assist applicants in developing event plans that will comply with more than 25 local, state, and federal codes, laws and regulations that govern activities associated with the production and management of special events (AR 11). These elements can range from crowd control and pyrotechnic management to air quality control regulations and storm drain pollution prevention. Supplemental to these areas of compliance, the permit process includes inter-agency coordination, requirements for community involvement and the implementation of mitigation of impact strategies.

San Diego Municipal Code Section 22.4012 sets for the requirements to the contents of a special event permit application (AR 12). In part, these provisions require that:

The application for a Special Event Permit may include the following:

(z) any special or unusual requirements that may be imposed or created by virtue of the proposed Event activity; and,

(aa) any other information required by the City Manager (Mayor).

Specifically with regard to Section 22.4012 (aa), the City of San Diego has developed a section of its special event permit application entitled Mitigation of Impact (AR 13). As part of the permit review process, event organizers are required to develop mitigating measures to accommodate the negative impact an event may have on entities that may be affected by the event and its associated activities. The “Mitigation of Impact” section of the citywide permit application has been in effect since October 2000 and is an enhancement to prior community mitigation requirements that had been longstanding process requirements dating back more than a decade. The City’s Special Event Permit Application states in part:

Most neighborhoods and business districts are represented by a number of community groups that are officially recognized by the City of San Diego. These groups include, Community Planning Groups, Town Councils, Business Improvement Districts and Recreation Councils. Event organizers proposing to hold an event within a venue that is governed by one or more of these groups are required to present their event concept to these organizations for their support or endorsement. Event organizers are also asked to meet with the residents, businesses, places of worship, schools and other entities that may be impacted by activities associated of the event (AR 13).

During this process event organizers and community groups typically work together to modify event plans and develop mitigating strategies that meet the needs of the community as well as the event organizer. The Mitigation of Impact requirement of the special event permitting process has consistently been enforced by the City of San Diego. Community review policies and guidelines established in areas highly impacted by events have been developed by each neighborhood area to work in concert with this permitting review requirement (AR 8).

The community review process has proven to be so effective that this is the first permit application in 15 years to be denied by the City of San Diego. Typically, applicants who are unable to gain community support or modify their event plans in a way that effectively addresses community concerns withdraw their permit application or move the proposed activity to a venue area that supports the proposed plans.

The applicant has consistently cited the Rock ‘n’ Roll Marathon as an event that does not comply with the Mitigation of Impact requirements. A high-level overview of the efforts undertaken in 2005 by the event organizers of the Rock ‘n’ Roll Marathon to address community endorsement and mitigation requirements necessary to obtain a special event permit illustrates the type of community mitigation programs undertaken by large-scale events. The overview documents that the event organizers did present their event plans to community groups throughout the 26 mile route and did address community concerns and, in some cases, changed event plans in order to gain the support or endorsement from these groups (AR 14). A special event permit was not issued until this process had been completed (AR 15).

The applicant for the Pacific Beach Street Fair was unable to gain the endorsement from the following community groups that are recognized as advisory to the City for the special event

permitting review process in the Mitigation of Impact Section of the City's Special Event Permit (AR 13)* and therefore did not meet the mitigation of impact requirements established by the City necessary to obtain a special event permit (AR 12):

- Discover Pacific Beach (the Business Improvement District for the venue area)
- Pacific Beach Planning Committee
- Pacific Beach Town Council

*It should be noted that a Recreation Council does not represent the venue area.

Endorsement letters from the following groups were submitted with the special event permit application submitted for the Pacific Beach Street Fair (AR 2):

1. Pacific Beach Lions Club
2. Mission Bay Little League
3. FreePB.org

The applicant has also submitted a letter of appreciation for past financial support from the Mission Bay Youth Field Association.

The City of San Diego received communications from the following groups, including the required advisory groups, that the organizations either did not support the event and/or supported the ongoing public workshop process and opposed any special event in Pacific Beach in Spring 2006 (AR 3):

1. Discover Pacific Beach
2. Pacific Beach Community Planning Committee
3. Pacific Beach Town Council
4. Mission Beach Town Council
5. Mission Bay Girls Softball
6. Soroptimists International of Mission Bay
7. Friends of the Pacific Beach Library
8. SavePB.org
9. Sail Bay Association
10. Pacific Youth Soccer League
11. Saint Brigid's Catholic Church
12. Saint Andrew's By-the-Sea Episcopal Church
13. Church of Jesus Christ of Latter-day-Saints

Public Safety and Personal Property Issues

As a result of last year's Pacific Beach Block Party event, there were numerous documented complaints from property owners and residents within the area citing concerns for their property and individual safety (AR 4).

While the proposed Street Fair event attempts to address these issues, in part, through a date change and reduction in venue size (AR 16) and the applicant has agreed to pay for police support at the reduced rates assessed to 501(c) non-profit organizations (AR 17), the City of San Diego continues to receive communications from property owners and individuals within the areas traditionally impacted by the event that indicate a continued concern for public safety and property damage related to the event (AR 4). The history of the event's attempt to address these issues since 1998 through a variety of larger mitigation efforts such as the removal of beer gardens from the venue and the event's inability to address over the long term the continued concerns related to public safety and personal property supports the neighborhood concerns (AR 4, AR 5).

Based on the representation in the permit application that the Pacific Beach Street Fair is a modified version of the Pacific Beach Block Party (AR 16) and the documented problems in previous years associated with the Pacific Beach Block Party (AR 4), the San Diego Police Department cannot ensure that public safety and private property concerns can be effectively addressed with the resources allocated to the event as well as the area command. Furthermore, websites reviewed by the City of San Diego and e-mails received by the City of San Diego indicate that potential attendees perceive the modified event as the Block Party (AR 18).

Finally, the applicant for the Pacific Beach Street Fair changed the traditional date of the event in what the applicant indicated was a means to reduce the impact of the event on the neighborhood (AR 16). The applicant was advised that this date was problematic due to a number of other special events that traditionally have occurred on that weekend dates. These events are:

- 24th Annual La Jolla Half Marathon
- 33rd Annual Adams Avenue Roots Festival
- 21st Annual Linda Vista Cultural Fair
- Chicano Park Days;
- 24th Annual La Jolla Shores 5k
- 24th Annual Wind and Sea 5-Mile Stride
- 7th Annual Sharon's Ride, Run & Walk for Epilepsy
- Hillcrest Farmer's Market & Open Air Bazaar
- Third Avenue Farmer's Market & World Bazaar
- 17th Annual EarthFair
- Padres versus Mets homestand (traditional baseball season)

More than 84 police officers and 128 traffic controllers will be dedicated to these events that have traditionally been held on the weekend of the proposed Pacific Beach Street Fair (AR 19). In order to support these traditional events, public safety resources are already maximized meaning that additional resources cannot be applied to the event and issues in the surrounding neighborhoods should imminent threats such as riotous behavior and other problems arise in addition to those experienced in previous years (AR 4) as a result of the event.

FISCAL CONSIDERATIONS:

The estimated full cost recovery to the City of San Diego for police services related to the event is \$75,055.

The San Diego Police Department has issued a cost estimate (AR 17) to the applicant at the 501(c) non-profit rate approved by the City Council for special events which would result in an estimated cost to the applicant as follows:

Police Supervisors and Officers:	62	Total hours 725	\$55/hour
Special Event Traffic Controllers:	18	Total hours 175	\$22/hour
Dispatchers:	1	Total hours 15	\$22/hour
Vehicle Abatement Officers:	5	Total hours 20	\$22/hour

Subtotal Cost to Applicant \$44,495

Less free City services* \$ 1,000

Total Cost to Applicant \$43,495

Full Cost Recovery \$75,055

Net Impact to the General Fund (\$31,505)

*The City of San Diego's Special Events Ordinance allows tax-exempt, non-profit organizations to be eligible to receive \$1,000.00 of City services if a public purpose is served by the event.

CONCLUSION:

The applicant has not met the requirements for the issuance of a special event permit. Denial of both the permit application and the appeal for the proposed Pacific Beach Street Fair will provide an opportunity for the applicant and the various community groups to work together to address the issues that have been identified.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Over the past several months, numerous meetings with a wide-range of community groups have taken place regarding the proposed event. The following groups and organizations have provided input to the City of San Diego regarding the proposed event:

Endorsement (AR 20):

1. Pacific Beach Lions Club
2. Mission Bay Little League
3. FreePB.org

The applicant has also submitted a letter of appreciation for past financial support from the

Mission Bay Youth Field Association.

Do Not Support Event and/or Support the ongoing public workshop process and Oppose any special event being held in Pacific Beach in Spring 2006 (AR 3):

1. Discover Pacific Beach
2. Pacific Beach Community Planning Committee
3. Pacific Beach Town Council
4. Mission Beach Town Council
5. Mission Bay Girls Softball
6. Soroptimists International of Mission Bay
7. Friends of the Pacific Beach Library
8. SavePB.org
9. Sail Bay Association
10. Pacific Youth Soccer League
11. Saint Brigid's Catholic Church
12. Saint Andrew's By-the-Sea Episcopal Church
13. Church of Jesus Christ of Latter-day-Saints

Additionally, a variety of grass roots e-mails and letters were received by the City of San Diego prior to the denial. The content of these communications falls into three basic categories:

1. Specific issues and concerns from property owners and residents regarding public safety and personal property issues and/or individual, business and community organization support for the Pacific Beach Special Events Public Process and Opposition for any special event, including the proposed Pacific Beach Street Fair, being held in Pacific Beach until the process is complete (AR 4).
2. Generic e-mail messages in support of the First Annual Pacific Beach Street Fair and/or acknowledgement that the event is an attempt to modify the Block Party based on community concerns. The three generic e-mail campaigns do not enable staff to evaluate whether or not respondents are associated with the impacted community (AR 21 represents samples of the 3 different messages which comprise a total of approximately 1,200 e-mails at the time of the decision to deny the permit application). AR 18 indicates that many of these e-mails were generated from information in e-mail or websites promoting behavior similar to that documented in previous years at the Pacific Beach Block Party.
3. Individual, business or vendor support for the Street Fair, return of the Block Party and/or modified messages included with one of the three generic e-mail messages indicating some type of association with the Pacific Beach neighborhood (AR 22).

Finally, Discover Pacific Beach, the Business Improvement District representing the venue area and the organization leading the special event community policy process offered to partner with the applicant to raise \$30,000 through other community events so that organizations who have received funding from the proceeds of the prior Block Party would continue to receive funding if the applicant would withdraw its special event permit (AR 23).

KEY STAKEHOLDERS

1. Applicant
2. Civic and Community Organizations
3. Property Owners, Businesses and Residents
4. Vendors and Events Service Providers
5. Potential Attendees

APPLICANT REASONS FOR APPEAL

On April 3, 2006 the Pacific Beach Community Foundation filed an appeal (AR 24) with the City Clerk in accordance with the requirements of the Special Events Ordinance (AR 12). Following is a list of the Reasons for Appeal and staff response to the appeal:

1. All requirements for submitting the application were met

Staff Response: As previously described in this report, the Mitigation of Impact Requirement in the City of San Diego's Special Event Permit Application requires support or endorsement from community groups that are officially recognized by the City of San Diego as advisory in nature for special events such as Community Planning Groups, Town Councils, Business Improvement Districts and Recreation Councils (AR 13).

The permit application states that if an event venue is in an area that is governed by one or more of these groups, the applicant must present the event concept to these organizations for their support or endorsement.* The applicant must also meet with the residents, businesses, places of worship and schools that may be impacted by the noise and street closures related to the event (AR 13).

The applicant did not provide the City of San Diego with letters of support or endorsement from the officially recognized community groups:

1. Discover Pacific Beach (the Business Improvement District representing the venue area)
2. Pacific Beach Community Planning Committee
3. Pacific Beach Town Council

*It should be noted that a Recreation Council does not represent the venue area.

The City of San Diego did receive communications indicating that the following groups, including the required advisory groups listed in the special event permit application, that the organizations either did not support the event and/or supported the ongoing public workshop process and opposed any special event being held in Pacific Beach in Spring 2006 (AR 3):

1. Discover Pacific Beach
2. Pacific Beach Community Planning Committee
3. Pacific Beach Town Council
4. Mission Beach Town Council
5. Mission Bay Girls Softball
6. Soroptimists International of Mission Bay
7. Friends of the Pacific Beach Library
8. SavePB.org
9. Sail Bay Association
10. Pacific Youth Soccer League
11. Saint Brigid's Catholic Church
12. Saint Andrew's By-the-Sea Episcopal Church
13. Church of Jesus Christ of Latter-day-Saints

Additionally, the City of San Diego also received communications from places of worship, businesses, and residents indicating a lack of support for the proposed event (AR 4). More than 1,200 generic e-mails received by the City of San Diego in support of the event did not indicate any association with the neighborhood groups or entities described in the permit application (AR 21). AR 18 indicates that many of these e-mails were generated from information in e-mail or websites promoting behavior similar to that documented in previous years at the Pacific Beach Block Party. A number of e-mails received by individuals indicating some type of association with the event continued to refer to the proposed Street Fair as the Block Party (AR 22).

2. Findings outlined in the denial were based on conjecture and hearsay and not on fact.

Staff Response: The applicant has stated that the proposed Street Fair is a modified version of the Pacific Beach Block Party. AR 4 represents communication received by

the City of San Diego regarding the proposed event as well as the impact to the community from the 2005 Pacific Beach Block Party. AR 19 documents the level of public safety resources that will be dedicated to other traditional events that traditionally taken place on the weekend of the proposed Pacific Beach Street Fair. In order to support these traditional events, public safety resources are already maximized meaning that additional resources cannot be applied to the event and issues in the surrounding neighborhoods should imminent threats such as riotous behavior and other problems arise in addition to those experienced in previous years (AR 4) as a result of the event.

3. Event had support of numerous community groups, including PBTC Board.

Staff Response: The Community Participation and Public Outreach section of this report indicates an overall lack of support from the majority of community-based organizations in the area (AR 3). While the Pacific Beach Town Council Board of Directors voted to support the event, a motion was made by a member of the Town Council to have a vote of the general membership and on March 15 a vote of the general membership overruled the previous board action (AR 25). The vote was taken in accordance with the Pacific Beach Town Council Bylaws Article V. D4 and Standing Rules #5 Controversial Issues (AR 26).

4. The Pacific Beach Community Planning Group is a land use advisory committee and should not have input into this event unless this is now a citywide policy to require planning groups to comment. In addition, organizers were not notified that item was to be heard-improper notice of agenda. See 600-24.

Staff Response: The Mitigation of Impact requirements for the special event permitting process have been developed to address the unique needs of neighborhood areas throughout the community and have been consistently enforced by the City of San Diego. The permit application requirement specifically lists a variety of officially recognized advisory groups in acknowledgement of the diverse communities served throughout the City of San Diego (AR 13). While planning groups have traditionally not become actively involved in most permit review processes, it is not without precedent for a planning group to provide feedback to the City of San Diego. For example, the Mission Beach Precise Planning Committee has provided recommendations to the City of San Diego regarding events such as MTV Spring Break and AVP Volleyball. Moreover, some venue areas within the City of San Diego are not represented by business districts, town councils, or recreation councils and therefore seek endorsement from the local planning group. In the case of the Pacific Beach Street Fair permit application the Pacific Beach Community Planning Committee opted to make an advisory recommendation to the City of San Diego (AR 27).

5. The event is being held to standards different than other events in the city with similar attendance and/or impacts.

Staff Response: In accordance with the permit application requirements for community support and mitigation efforts, City staff consistently requires compliance by applicants with this facet of the event planning process. In previous conversations with City staff, the applicant made a similar assertion and listed the following four events as events that did not receive support or community endorsement prior to the issuance of its permit. These events include: SDLGBT Pride Parade, Balboa Park December Nights, Adams Avenue Roots Festival, and Rock 'n' Roll Marathon. AR 28 includes a summary of the endorsement and community mitigation efforts undertaken by the event organizers representing these events.

AR 5 documents community issues and concerns dating back to 1998. Consistent with

City practices, the City has allowed the event organizer to develop mitigating strategies in an attempt to address these concerns. The organizers have removed beer gardens, added activities for children, added public safety support in the neighborhoods, and improved transportation plans. None of these efforts have resulted in significant change in the negative impact to the neighborhood or in the lack of community support for the event (AR 2, AR 4). Moreover, the event has grown larger in scale and concerns related to documented public safety and private property issues have increased rather than diminished. The City has maximized the public safety resources that can be applied to the event and the issues generated by the event in the surrounding neighborhoods and cannot apply additional resources to the event should imminent threats such as riotous behavior and other problems arise, in addition to those experienced in previous years (AR 4), arise as a result of the proposed event.

The City of San Diego has dealt fairly and equitably with the applicant over a number of years in an effort to allow the applicant time to implement mitigating measures that would overcome the issues associated with the proposed event. The result has been an increase in documented concerns related to public safety and private property issues (AR 4) as well as an increase in the number of community and civic groups opposed to the event (AR 3). The City of San Diego has no other choice but to deny the permit application.

Carolyn Wormser
Office of Special Events

Ted Martinez, Jr.
Deputy Chief for Neighborhood and
Customer Services

Note: The attachments are not available in electronic format. A copy for review is available in the Office of the City Clerk.

Attachment: Administrative Records (28)