



East Village Association – Executive Committee Meeting
 Thursday, April 13, 2023 at 3:00 p.m.
 UCSD Park & Market, Rm. 214 (1100 Market Street, San Diego, CA 92101)

CLOSED SESSION TO DISCUSS LEGAL SETTLEMENT ITEM ON ITEM 9

AGENDA

1. Introductions and Meeting Etiquette – Terry McCleary, President/Chair
2. Public Comment (3-Minutes Max Per Person)
Please keep comments directed to the item being discussed.
3. Approval of March 9, 2023 Minutes *Action Item* P. 2 - 5
4. YTD Draft Financial Report *Action Item* P. 6 - 10
5. Nominations Task Force Meeting – Update
6. Tecture Wayfinding Signage Project – Update P. 11
7. Civil Sidewalks Meeting – Update
8. Endorse Mayor Gloria’s Ordinance re: Unhoused Population Housing *Action Item* P. 12 - 34
9. **CLOSED SESSION:** BOARD MEMBERS & STAFF TO GO INTO CLOSED SESSION TO DISCUSS POTENTIAL LITIGATION. GENERAL PUBLIC WILL BE EXCUSED FOR DURATION OF CLOSED SESSION. ANY DECISIONS MADE WILL BE REPORTED AFTER THE CLOSED SESSION.
 - a. Potential Litigation with Past Employee – Update
 - b. East Village Block Party Event Management Performance & Action *Action Item*
10. REOPEN MEETING & REPORT TO PUBLIC: Update on East Village Association’s decision, if any, on Closed Session item.
11. Other
12. Next Meeting: Thursday, May 11, 2023 at 3:00pm
 UCSD Park & Market, Rm. 214
13. Adjournment *Action Item*

BROWN ACT. Government Code 54950 (The Brown Act) requires that a brief description of each item to be transacted or discussed be posted at least 72-hours prior to a regular meeting. The Corporation posts all Board and Committee agendas at meeting location and on the EVA website. Action may not be taken on items not identified as such and posted on the agenda. Meeting facilities may be accessible to persons with disabilities. If you require special assistance to participate in the meeting, notify Ethan Olsen at 619-233-5009 or via email at ethan@newcityamerica.com at least 48-hours prior to the meeting.

EAST VILLAGE ASSOCIATION OF SAN DIEGO

845 15th Street ▪ San Diego, CA 92101 ▪ Phone 619-546-5636
 Email: info@EastVillageSanDiego.com ▪ Website: www.EastVillageSanDiego.com
 Facebook / Instagram / TikTok / Twitter: @EastVillageSD ▪ #EastVillageSD



East Village Association – Executive Committee Meeting
Thursday, March 9, 2023, at 2:00pm
US Bank Branch (801 Market Street, San Diego, CA 92101)

PRESENT: Terry McCleary, Todd Brown, David Miles, Robyn Spencer

STAFF: Marco Li Mandri, Chris Gomez, Dominic Li Mandri, Shirley Zawadzki, Rosie De Luca, Ethan Olsen

GUESTS: Mary Soriano

MINUTES:

<i>Item</i>	<i>Discussion</i>	<i>Action Taken?</i>
1. Introductions and Meeting Etiquette – Terry McCleary, President, Chair	1. The meeting was called to order at 2:01pm by the EVA District Manager, Dominic Li Mandri.	1. No action taken
2. Next Exec Committee Meeting:	2. Dominic Li Mandri reported that the next EVA Executive Committee meeting will be held on Thursday, April 13, at 3:00pm at US Bank. Dominic reminded the Executive Committee that meetings will be held on the second Thursday of each month.	2. No action taken
3. Public Comment	3. Nothing to report.	3. No action taken
4. Approval of February 2, 2023 Minutes	4. The minutes from February 2, 2023, were reviewed.	4. Robyn Spencer moved to approve the February 2, 2023, Minutes. Todd Brown seconded the motion. Motion passed unanimously.
5. Committee		

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<p>Updates:</p> <p>a. YTD Draft Financial Report</p> <p>b. EVA Certificate of Deposit Investment</p> <p>c. Bylaws Task Force Meeting – Date Pending</p> <p>d. Tecture Wayfinding Signage Contract Suspension</p>	<p>5.a. Shirley Zawadzki reported that she has been working very hard with Rosie DeLuca and CPA, Jeri Keiller to reconcile financials as promptly as possible. Shirley stated that the financials will include four sections, being the balance sheet, profit & loss by class, BID budget and Parking budget. The draft financial report will be presented at the Board meeting.</p> <p>Chris Gomez added that parking district funds can now carryforward to the next fiscal year.</p> <p>5.b. David Miles reported that EVA has approximately \$448,000 in savings. David stated that \$200,000-\$250,000 are funds earmarked for the landmark sign, these are not of imminent use in the immediate future.</p> <p>Chris stated that it would be cleanest and easiest to work with US Bank for a \$200,000-\$250,000 Certificate of Deposit Investment.</p> <p>5.c. Marco Li Mandri announced that adjustments have been made to the Bylaws acceptance of Article 4 relating to the EVA nominations procedure. Article 4 approval will be brought to the Board as an action item.</p> <p>The Nominations Task Force includes Terry McCleary, Hasan Ahmed and Robyn Spencer. Marco reported that Todd Brown is the chair of the Bylaws Task Force and that the remainder of the Bylaws will be approved post-annual meeting.</p> <p>5.d. Dominic reviewed the Tecture wayfinding signage contract and stated that EVA has spent \$150,000 thus far. EVA can fully suspend the project now and walk away with the signage construction designs as the remaining costs can be used for increased lighting in East Village. Robyn added that the designs don't match who we are and what we are doing moving forward in East</p>	<p><i>5.a. Motion tabled, YTD draft financial report to be updated and presented upon the next Board meeting.</i></p> <p><i>5.b. Todd Brown moved to recommend EVA Board to invest \$200,000 into CDs with US Bank given David Miles' recommendation. Terry McCleary seconded the motion. David Miles abstained. Motion passed unanimously.</i></p> <p><i>5.c. No action taken</i></p> <p><i>5.d. Terry McCleary moved to suspend payment for the Tecture contract and request materials and hours spent on the signage project. David Miles seconded the motion. Motion passed</i></p>
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	<p>Village. Marco stated that EVA should have the designs and materials for \$150,000. Marco recommended we suspend the project but have Tecture justify what they spent the \$150,000. EVA may be eligible for some degree of refund.</p>	<p><i>unanimously.</i></p>
<p>e. Letter for Consideration: IZOLA Bakery Request</p>	<p>5.e. Dominic reviewed the drafted letter written by Manny Rodriguez on behalf of IZOLA. IZOLA is seeking community support to keep them in East Village which will require modifications to the kitchen and building space, in which Paragon owns.</p> <p>Marco suggested that we draft our own letter in support of encouraging IZOLA to stay in East Village as they are a valuable business, and we would like to support them.</p>	<p><i>5.e. Terry McCleary moved to draft a new letter on behalf of the EVA in support of IZOLA staying in East Village. Robyn Spencer seconded the motion. Motion passed unanimously.</i></p>
<p>f. Clean & Safe Program: Current Service Model vs. Mgmt. Plan Baseline (East Village)</p>	<p>5.f. Dominic presented the EVA Clean & Safe boundaries, reports and service models to the Executive Committee. Clean & Safe is mandated to clean the entire districts sidewalks twice a monthly and targets hot spots four times monthly.</p> <p>Dominic reviewed the new preliminary budget for Clean & Safe maintenance and stated that the East Village allocation is being reduced despite community testimony claiming conditions are unsatisfactory.</p> <p>Terry McCleary stated that East Village encompasses 33% of the PBID and therefore we would like 1/3 of the service allotment.</p>	<p><i>5.f. No action taken</i></p>
<p>g. DSDP – EVA Supplemental Ambassador Contract Final Closure: Equipment Return</p>	<p>5.g. Dominic presented the correspondence with DSDP regarding the supplemental ambassador supplies that are set to be returned. David reported that EVA was charged for initial startup costs. David stated that he was surprised this would only constitute 2 bikes and 2 phones. Terry McCleary and Robyn Spencer recommended donating the bikes to the SD Bike Coalition.</p>	<p><i>5.g. No action taken</i></p>
<p>h. EVA Opening Day Block Party: Saturday, April 1, 2023, from 10:00am-5:00pm</p>	<p>5.h. Dominic announced the final East Village Opening Weekend Block Party date and time on Saturday, April 1, 2023, from 10am - 5pm. Dominic alluded to a Hospitality tent at the event that EVA Board members may have access to.</p>	<p><i>5.h. No action taken</i></p>

6. Other	6. Robyn Spencer thanked NCA staff for everything they do, every day.	6. No action taken
7. Adjournment	7. Meeting adjourned.	7. Robyn Spencer moved to adjourn the meeting. David Miles seconded the motion. Motion passed unanimously.

Minutes taken by: Ethan Olsen, New City America.

12:31 PM

East Village Association Inc.

04/10/23

Balance Sheet

Accrual Basis

As of March 31, 2023

	Mar 31, 23
ASSETS	
Current Assets	
Checking/Savings	
10010 · Union - Checking	139,074.53
10020 · Union - Savings Account	283,838.35
Total Checking/Savings	422,912.88
Accounts Receivable	
12000 · Accounts Receivable	
12001 · Parking Receivable	8,641.33
Total 12000 · Accounts Recept...	8,641.33
Total Accounts Receivable	8,641.33
Other Current Assets	
12080 · Rent Deposit	1,152.00
Total Other Current Assets	1,152.00
Total Current Assets	432,706.21
TOTAL ASSETS	432,706.21
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Accounts Payable	
2000 · Accounts Payable	20,516.80
Total Accounts Payable	20,516.80
Total Current Liabilities	20,516.80
Total Liabilities	20,516.80
Equity	
Fund Balance - Parking District	19,419.24
39000 · Retained Earnings	459,240.20
Net Income	-66,470.03
Total Equity	412,189.41
TOTAL LIABILITIES & EQUITY	432,706.21

12:23 PM

East Village Association Inc.
Profit & Loss
 March 2023

04/10/23

Accrual Basis

	110 - Association Ac...	210 - BID	310 - EV Block Party	400 - Parking District	510 - SBEP	TOTAL
Ordinary Income/Expense						
Income						
SBEP Income	0.00	0.00	0.00	0.00	893.13	893.13
40055 · BID Disbursements	0.00	18,293.75	0.00	0.00	0.00	18,293.75
40085 · Parking District Income	0.00	0.00	0.00	8,641.33	0.00	8,641.33
41015 · Special Event Activity	0.01	0.00	0.00	0.00	0.00	0.01
Total Income	0.01	18,293.75	0.00	8,641.33	893.13	27,828.22
Expense						
SBEP Expenses	0.00	2,275.00	0.00	0.00	0.00	2,275.00
512028 · Consulting/Business Promoti...	0.00	4,500.00	0.00	1,000.00	0.00	5,500.00
512059 · Personnel	2,077.50	4,210.37	0.00	6,437.13	0.00	12,725.00
512110 · Design & Improvements	0.00	3,660.00	0.00	38.15	0.00	3,698.15
512138 · Promotion/Advertising/Marke...	0.00	5,392.76	0.00	0.00	0.00	5,392.76
512143 · Office Operational	47.45	2,559.31	0.00	1,132.71	0.00	3,739.47
512186 · Special Events	-0.67	0.00	75,240.81	0.00	0.00	75,240.14
Total Expense	2,124.28	22,597.44	75,240.81	8,607.99	0.00	108,570.52
Net Ordinary Income	-2,124.27	-4,303.69	-75,240.81	33.34	893.13	-80,742.30
Net Income	-2,124.27	-4,303.69	-75,240.81	33.34	893.13	-80,742.30

East Village Association Inc.
BID - Profit & Loss Budget Performance
March 2023

04/10/23

Accrual Basis

	Mar 23	Budget	Jul '22 - Mar 23	YTD Budget	Annual Budget
Ordinary Income/Expense					
Income					
40055 · BID Disbursements					
40065 · SBEP Management	0.00	0.00	18,200.00	18,200.00	18,200.00
40055 · BID Disbursements - Other	18,293.75	14,597.00	134,408.67	131,373.00	175,000.00
Total 40055 · BID Disbursements	18,293.75	14,597.00	152,608.67	149,573.00	193,200.00
40060 · BID Carryforward Income	0.00	1,852.00	0.00	16,668.00	22,223.00
Total Income	18,293.75	16,449.00	152,608.67	166,241.00	215,423.00
Expense					
SBEP Expenses					
Management Grant	2,275.00	2,275.00	11,375.00	11,375.00	18,200.00
Total SBEP Expenses	2,275.00	2,275.00	11,375.00	11,375.00	18,200.00
512028 · Consulting/Business Promotion					
51175 · Stratagic Plan Facilitator	0.00	167.00	0.00	1,503.00	2,000.00
51176 · Social Media Consultant	4,500.00	500.00	5,875.00	4,500.00	6,000.00
51190 · Intern	0.00	292.00	0.00	2,628.00	3,500.00
Total 512028 · Consulting/Business Promot...	4,500.00	959.00	5,875.00	8,631.00	11,500.00
512059 · Personnel					
51135 · Executive Director	4,210.37	2,836.00	44,389.50	25,524.00	34,030.00
51136 · Operations Manager	0.00	1,334.00	0.00	12,006.00	16,000.00
51140 · Payroll Taxes	0.00	542.00	1,785.32	4,878.00	6,500.00
51145 · Payroll Fees	0.00	3.00	12.25	27.00	40.00
51147 · Employee Benefits	0.00	667.00	1,044.84	6,003.00	8,000.00
51150 · Workers Compensation	0.00	112.00	775.76	1,008.00	1,336.00
Total 512059 · Personnel	4,210.37	5,494.00	48,007.67	49,446.00	65,906.00
512110 · Design & Improvements					
51200 · Placemaking/Banners	3,660.00	250.00	4,730.03	2,250.00	3,000.00
51205 · Placemaking/Tecture	0.00	399.00	0.00	3,591.00	4,780.00
Total 512110 · Design & Improvements	3,660.00	649.00	4,730.03	5,841.00	7,780.00
512138 · Promotion/Advertising/Marketing					
51245 · Annual Meeting / Election	0.00	84.00	0.00	756.00	1,000.00
51250 · Banner / Branding	1,223.44	0.00	1,223.44	0.00	0.00
51255 · Graphic Design	0.00	584.00	0.00	5,256.00	7,000.00
51265 · Member Benefits	0.00	117.00	406.50	1,053.00	1,400.00
51290 · Outreach-Welcome Packet	0.00	209.00	0.00	1,881.00	2,500.00
51320 · IT Website	4,125.00	21.00	4,125.00	189.00	250.00
51325 · IT Services	44.32	684.00	1,286.46	6,156.00	8,200.00
51335 · Member Events	0.00	3,084.00	0.00	27,756.00	37,000.00
Total 512138 · Promotion/Advertising/Marke...	5,392.76	4,783.00	7,041.40	43,047.00	57,350.00
512143 · Office Operational					
Computer Services	0.00	0.00	52.99	0.00	0.00
Office Supplies	252.78	0.00	279.71	0.00	0.00
Postage	315.00	0.00	315.00	0.00	0.00
51160 · Legal Services	0.00	334.00	3,500.00	3,006.00	4,000.00
51165 · Accounting Services	0.00	434.00	3,000.00	3,906.00	5,200.00
51170 · Audit & Tax Filing	0.00	300.00	9,000.00	2,700.00	3,600.00
51345 · Bid Council/Found. Membership	0.00	42.00	300.00	378.00	500.00
51350 · Insurance	0.00	834.00	4,273.10	7,506.00	10,000.00
51355 · Office Rent	1,132.70	634.00	7,443.38	5,706.00	7,600.00
51360 · Membership / Parking	1.25	84.00	1.25	756.00	1,000.00
51365 · Permits & Fees	0.00	84.00	410.00	756.00	1,000.00
51370 · Printing	555.54	334.00	4,518.60	3,006.00	4,000.00
51380 · Telephone & Utilities	43.54	42.00	190.41	378.00	500.00
51385 · Utilities/Equipment	258.50	84.00	401.25	756.00	1,000.00
51390 · Dues/Subscriptions	0.00	34.00	982.99	306.00	400.00

East Village Association Inc.
BID - Profit & Loss Budget Performance
March 2023

04/10/23

Accrual Basis

	Mar 23	Budget	Jul '22 - Mar 23	YTD Budget	Annual Budget
Total 512143 · Office Operational	2,559.31	3,240.00	34,668.68	29,160.00	38,800.00
512153 · Contingency	0.00	1,324.00	0.00	11,916.00	15,887.00
Total Expense	22,597.44	18,724.00	111,697.78	159,416.00	215,423.00
Net Ordinary Income	-4,303.69	-2,275.00	40,910.89	6,825.00	0.00
Net Income	-4,303.69	-2,275.00	40,910.89	6,825.00	0.00

DRAFT

East Village Association Inc.
Parking - Profit & Loss Budget Performance
March 2023

04/10/23

Accrual Basis

	Mar 23	Budget	Jul '22 - Mar 23	YTD Budget	Annual Budget
Ordinary Income/Expense					
Income					
40085 · Parking District Income	8,641	32,908	141,218	296,172	394,810
Total Income	8,641	32,908	141,218	296,172	394,810
Expense					
512028 · Consulting/Business Promotion					
51176 · Social Media Consultant	1,000	334	2,375	3,006	4,000
51195 · Ambassador Program	0	10,901	95,150	98,109	130,810
Total 512028 · Consulting/Business Promot...	1,000	11,235	97,525	101,115	134,810
512059 · Personnel					
51135 · Executive Director	6,437	2,801	32,598	25,209	33,600
51136 · Operations Manager	0	1,800	0	16,200	21,600
51137 · Program Manager	0	0	0	0	0
51138 · Admin./Spec. Events/Oper. Mgr.	0	0	0	0	0
51140 · Payroll Taxes	0	543	32	4,887	6,500
51145 · Payroll Fees	0	3	0	27	40
51150 · Workers Compensation	0	111	183	999	1,334
Total 512059 · Personnel	6,437	5,258	32,813	47,322	63,074
512110 · Design & Improvements					
51200 · Placemaking/Banners	0	4,912	0	44,208	58,938
51205 · Placemaking/Tecture	0	3,162	0	28,458	37,938
51206 · Placemaking/Lights	0	4,167	0	37,503	50,000
51210 · Parklet Maintenance	38	250	427	2,250	3,000
Total 512110 · Design & Improvements	38	12,491	427	112,419	149,876
512138 · Promotion/Advertising/Marketing					
51255 · Graphic Design	0	84	0	756	1,000
51260 · Market Research / Home Bus.	0	500	0	4,500	6,000
51265 · Member Benefits	0	0	0	0	0
51290 · Outreach-Welcome Packet	0	251	0	2,259	3,000
51320 · IT Website	0	21	0	189	250
51325 · IT Services	0	417	2,800	3,753	5,000
51335 · Member Events	0	1,100	0	9,900	13,200
Total 512138 · Promotion/Advertising/Marke...	0	2,373	2,800	21,357	28,450
512143 · Office Operational					
51165 · Accounting Services	0	0	600	0	0
51350 · Insurance	0	0	0	0	0
51355 · Office Rent	1,133	634	7,443	5,706	7,600
51370 · Printing	0	0	180	0	0
51380 · Telephone & Utilities	0	0	0	0	0
51385 · Utilities/Equipment	0	0	0	0	0
512143 · Office Operational - Other	0	0	2,400	0	0
Total 512143 · Office Operational	1,133	634	10,623	5,706	7,600
512186 · Special Events	0	917	3,000	8,253	11,000
Total Expense	8,608	32,908	147,188	296,172	394,810
Net Ordinary Income	33	0	-5,970	0	0
Net Income	33	0	-5,970	0	0

Ethan Olsen

From: Kyle Preish <kyle@tectureinc.com>
Sent: Tuesday, March 14, 2023 3:13 PM
To: Ethan Olsen
Cc: Christopher M. Gomez; Dominic Li Mandri; Slade Fischer
Subject: Re: East Village Association | Tecture Contract
Attachments: Tecture EVA Excerpt.pdf

Hi Ethan,

Thanks for the follow up. The response to your questions is below.

The original contract was for a minimum of (6) signs (see attached).

As for the payment made, \$30k went towards Commencement, per the initial contract.

Next, Tecture invoiced for \$100k (invoice EV - 002.2, dated 6/24/21) per the request of EVA. The contractual fee schedule was being disregarded in lieu of expediency as Diane Straw (of EVA) expressed interest at that time to pay Tecture a lump sum quickly, prior to the end of the financial year. Although Tecture invoiced for \$100k, \$120k was actually paid.

Around the same time, we were in discussions to reduce the overall scope from the initial \$300k down to \$150k total. However, that was never formalized or finalized.

The EV - 002.2 invoice references a design pack (210414 EV Present_Smalls.pdf), presented previously by Tecture, as the approved design that would be fabricated. Once this payment was processed, Tecture continued with the design process, completing Technical Design, creating Shop Drawings, and fabricating a full scale prototype for testing. Also at that time, we were working with EVA to determine the desired locations for each of the signs. We were waiting on EVA to determine the locations and to determine their preferred methods for permitting the elements. However, that process stalled in Summer of 2021, as EVA did not decide on locations nor permitting for the elements. Basically, we've been on-hold since then, waiting to know where these things can be installed.

Finally, we are here to help and want to be sure that we all fulfill our obligations to the contract. We can complete the services for the signs that were approved, or we can discuss the termination of the contract. This process has been so long and protracted, we acknowledge that the goals for the board may have changed.

Thank you,

Kyle

On Mon, Mar 13, 2023 at 11:22 AM Ethan Olsen <ethan@newcityamerica.com> wrote:

Good Morning Kyle,

Hope you had a good weekend.

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 5, ARTICLE 4, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 54.0212; AMENDING CHAPTER 6, ARTICLE 3, DIVISION 00 BY REPEALING AND RESERVING SECTION 63.20.11; AMENDING CHAPTER 6, ARTICLE 3, DIVISION 1 BY AMENDING SECTIONS 63.0102, 63.0103, 63.0105 AND 63.0108; AMENDING CHAPTER 6, ARTICLE 3 BY ADDING DIVISION 4, SECTIONS 63.0401, 63.0402, 63.0403, 63.0404, 63.0405 AND 63.0406, ALL RELATING TO REGULATING ENCAMPMENTS ON PUBLIC PROPERTY.

§54.0212 **Abandoned Personal Property**

- (a) Any personal property or possessions located on Public Property that are unattended and whose owner cannot be readily identified are presumed to be abandoned and, pursuant to Civil Code ~~S~~section 2080.7, the provisions of Municipal Code ~~S~~section 22.0603 do not apply. ~~Wherever possible,~~ Enforcement Officials shall make a reasonable effort to ascertain whether the unattended personal property or possessions have been abandoned and, if so, to thereafter cause their removal. Any personal property or possessions found during the abatement process in Municipal Code section 63.0406 shall first be stored as required by that section.
- (b) Unattended personal property or possessions that are unsanitary, soiled or verminous may be summarily abated and destroyed. Unattended personal property or possessions that are ~~recyclable~~ not summarily abated or destroyed

under section 54.0212 may be disposed of or recycled by the Director pursuant to Chapter 6, Article 6 of the Code or donated for reuse. ~~Unattended personal property or possessions that are sanitary and saleable or useable and of a value greater than one hundred dollars (\$100) shall be transferred as soon as is practicable to the Chief of Police pursuant to Section 22.0603 of this Code.~~

§63.20.11 ~~Camping, Sleeping Overnight Prohibited~~ [Reserved]

~~Unless specifically authorized by license or lease from the City, it is unlawful for any person, to remain overnight, or to erect, maintain, use, or occupy any tent, lodge, shelter, or structure on any public beach in this City, unless the tent, lodge, shelter, or structure has two sides open and there is an unobstructed view of the interior from the outside on at least two sides.~~

§63.0102 Use of Public Parks and Beaches Regulated

- (a) [No change in text.]
- (b) Definitions

For purposes of this Division, defined terms appear in italics. The following definitions apply in this Division:

Beach areas has the same meaning as in San Diego Municipal Code section 63.20.

Open space means any undeveloped public property either primarily in its natural state, including canyons, coastal bluffs, and unimproved waterways, or that is held out by the City or used by the public for passive recreational

purposes, conservation, habitat preservation, or that maintains or enhances the conservation of natural or scenic resources.

Park means any public property, whether developed or undeveloped, held out by the City or used by the public for active or passive park and recreation uses, including adjacent buffer lands and natural areas and any adjacent parking lots and perimeter sidewalks. The definition of *park* includes *open space* and all public beaches, *beach areas*, bays, and wetlands within the City.

(~~bc~~) It is unlawful for any person within any ~~public park or plaza or public beach or *beach areas*~~ within the City of San Diego *park* to do any of the acts ~~enumerated~~ listed in San Diego Municipal Code Section 63.0102(~~bc~~).

(1) Posting of Handbills. It is unlawful to litter, to throw, or deposit on the ground, to post or affix to any tree, fence, or structure situated within or on any ~~City-owned park or plaza~~ *park* any handbills, circulars, pamphlets, tracts, dodgers, papers, or advertisements.

(2) Loose Animals. It is unlawful to bring, leave, turn loose or allow to go free any animal, fowl, or bird of any kind in or upon any ~~City-owned park or plaza~~ *park*; provided, however, that Section 63.0102(~~bc~~)(2) does not apply to:

(A) through (B) [No change in text.]

(C) Dogs which are in special areas of ~~parks~~ parks designated and posted by the Parks and Recreation Director as dog off-leash areas or dog training areas and so long as the regulations of the Parks and Recreation Director with respect to the use of such areas are followed.

(i) Implied Consent. The presence of a dog in a designated dog off-leash area or dog training area shall constitute implied consent of the person either owning or controlling the dog to the regulations imposed by the Parks and Recreation Director.

(ii) [No change in text.]

(3) Fireworks. It is unlawful to discharge any firearm, firecracker, bomb, torpedo, rocket, or other fireworks without the written consent of the City Manager; provided, however, that as to the discharging of firearms ~~Section~~ Section 63.0102(~~bc~~)(3) does not apply to ~~any~~-authorized peace officers or employees of the San Diego Zoo while in the performance of ~~his or her~~ their duties.

(4) Destruction of Plants. It is unlawful to injure, drive a nail or other objects into, destroy, cut or remove any tree, ~~shrub, plant, wood, turf, grass, or other natural vegetation~~, soil, or rock in ~~or growing in any~~ park without the written permission of the City Manager.

- (5) Defacement of Property. It is unlawful to build or erect a physical structure of any type, or cut, break, deface, or injure any building, monument, rock, fountain, cage, pen, fence, bench, hydrant, swing, or other structure, apparatus or property, ~~or dig caves, or other depressions within the cliff areas adjacent to the ocean shoreline~~ otherwise reconfigure the natural or developed landscape in a manner that damages that landscape within a park without the written permission of the City Manager.
- (6) Dumping. It is unlawful to deposit or dump any garbage, refuse, human or animal waste, dirt, ashes, ~~broken glass, crockery, bones, tin cans,~~ or like substances, or any carcass of any animal or fowl.
- (7) through (8) [No change in text.]
- (9) Park waters. It is unlawful to bathe in the waters of any lake, pond, pool, fountain, or at any hydrant, drinking fountain, or sink; or throw into or deposit any dirt, filth or foreign matter in the waters of any lake, pond, pool, or fountain, or in like manner pollute the same; provided, however, that nothing contained in ~~S~~section 63.0102(~~b~~c)(9) prohibits persons from swimming in any municipal pool in accordance with the rules and regulations provided therefor.
- (10) Mistreatment of Animals. It is unlawful to take, kill, wound, disturb, or maltreat any bird or animal, either wild or domesticated, unless the same shall have been declared noxious by the City Manager and a permit issued for the killing of such noxious animals; provided,

however, that ~~Section~~ 63.0102(~~b~~)(10) does not apply to any exhibits in the San Diego Zoo ~~of Balboa Park~~ when done by any employees in the course of ~~his or her~~ their duties.

(11) Fires. It is unlawful to kindle or allow to be kindled any fire or bonfire, Tiki Torch, or any device set on fire for entertainment purposes, or to throw upon the ground a lighted match, lighted cigar or cigarette, or anything that would be liable to set fire to any grass, tree, shrub, building, or other property; provided, however, that nothing in section 63.0102(~~b~~)(11) prohibits persons from kindling fires in City-provided fire rings or portable propane-fueled devices as permitted in Municipal Code section 63.20.5(c).

(12) ~~Overnight Camping. It is unlawful to camp, lodge, sleep, or tarry overnight; provided, however, that nothing in Section 63.0102(b)(12) prohibits any person from being or remaining in any park while in attendance at any function for which the City Manager has previously granted permission.~~ Temporary Shade Structures. Unless specifically authorized in writing by the City Manager, it is unlawful for any person to erect or maintain any temporary shade structure in any park, unless the temporary shade structure has a minimum of two sides open and there is an unobstructed view of the interior from the outside on at least two sides.

(13) through (16) [No change in text.]

- (17) Sports. It is unlawful to play any game of ball or engage in any sport except at such places and at such times as shall be designated for such purpose by the Parks and Recreation Department.
- (18) ~~Use of Restrooms. It is unlawful for any person to resort to any toilet or restroom set apart for members of the opposite sex, provided that Section 63.0102(b)(18) does not apply to children under ten (10) years of age accompanied by their parent or guardian. [Reserved]~~
- (19) Bicycles. It is unlawful to ride a bicycle except: (1) where posted to authorize bicycle riding; or (2) on any designated bikeway; or (3) on any road designated and established for automotive traffic; or (4) on paved and unpaved ~~park~~ roads within a park used as fire or service roads by authorized motor vehicles unless otherwise posted. Motorcycles or any other motorized vehicles are prohibited except on roads designated and established for automotive traffic.
- (20) Automobile Speed. It is unlawful to drive an automobile, motorcycle, or other self-driven vehicle upon any ~~park or plaza~~ park property at any speed in excess of the limitations established by ordinances of ~~the~~ City of San Diego.
- (21) Horses and Vehicles. It is unlawful to leave or hitch any horse, or leave or park any automobile, motorcycle, or other self-driven vehicle ~~on any park or plaza property~~ in any park, except at such places as are provided and designated for those purposes.

- (22) [No change in text.]
- (23) Vehicular Traffic. Unless making deliveries or loading onto ~~park or plaza~~ park property, it is unlawful to drive or place any dray, truck, wagon, cart, or other traffic vehicle with a manufacturer's rate of capacity of more than one ton, carrying or regularly used or employed in carrying goods, merchandise, lumber, machinery, oil, manure, dirt, sand, soil, or any article of trade or commerce or any offensive article or material whatsoever upon any road or drive in any ~~park or plaza~~ park, except such road or drive as may be provided or designated for such use.
- (24) Large Groups. Except as otherwise required or permitted by Chapter 2, Article 2, Division 40 of this Code, it is unlawful for any group of persons consisting of fifty or more persons to hold, conduct or participate in any celebration, parade, service, picnic, exercise, or other special event in any ~~park, plaza, or beach~~ park without having first obtained a permit from the City Manager.
- (25) Obstructing Traffic. It is unlawful to obstruct the free travel of any vehicle or pedestrian over any of the walks, roads, or avenues of any ~~park or plaza property~~ park.
- (26) Park Department Tools. It is unlawful for any person other than a Parks and Recreation Department employee while in the performance of ~~his or her~~ the employee's duties, to move or remove from one location to another or destroy any equipment, tools,

implements, or materials used by the Parks and Recreation Department.

(27) [No change in text.]

(28) Valves and Use of Utilities. It is unlawful to open or close any valves or switches, remove any utility access covers or secured plugs, tap into wiring, or damage any maintenance covers, plugs or other facilities pertaining to the water or electric services in any ~~park, plaza or beach~~ park.

~~(e)~~ (d) [No change in text.]

~~(d)~~ (e) Dogs in ~~Public Parks, Plazas, Beaches, and Beach Areas~~. It is unlawful for a dog owner or person with custody, care, charge, control, or possession of a dog, ~~or both~~, within any ~~public park or plaza or public beach or beach area within the City of San Diego~~ park to do any of the following:

(1) [No change in text.]

(2) In the event of a dog bite that results in injury requiring medical care to a person or another dog, failure to provide to the injured person or owner or custodian of the injured dog, at the time of the injury, ~~his or her~~ all of the following information: the full name of the dog owner or person with custody, care, charge, control, or possession of the dog that caused the injury, correct dog license information, telephone number, mailing address, and driver's license number.

~~(e)~~ (f) [No change in text.]

(f) (g) [No change in text.]

§63.0103 City Manager Permit Procedure

Whenever doing any of the acts specified in this Article is conditioned upon obtaining a permit, permission, or consent from the City Manager, the following procedure shall be followed:

- (a) [No change in text.]
- (b) The application shall include information as to the proposed activity, the sponsoring person or organization, the number of persons expected to attend, the proposed ~~park~~ park area to be used, the proposed date and time of the event, the duration in time, and the proposed alternate ~~park~~ park areas and dates, if any;
- (c) [No change in text.]
- (d) The City Manager shall issue the permit, permission, or consent if there is capacity for the proposed activity; except as set forth in (1) through (3) below:
 - (1) An applicant for a Special Event, as defined in Chapter 2, Article 2, Division 40, to be held at a ~~park or beach~~ park, shall apply for a reservation of space, which, if granted, is effective until the Special Event Permit is granted or denied. The City Manager shall consider all requests for reservations of space filed at least 120 days before the date of the proposed event; however, the City Manager may consider any permit which is filed less than 120 days before the proposed event. A reservation of space may be granted after consideration of factors such

as previously scheduled events at and adjacent to the requested location, the park capacity, impacts to the ~~park~~ park that may be caused by the event, any restrictions on Special Events such as the Summer Moratorium, and any recommendation from the appropriate park advisory body. A permit as required by Chapter 6, Article 3 shall be issued concurrently with the Special Event Permit.

(A) through (B) [No change in text.]

(2) through (3) [No change in text.]

(e) Each permit shall state the date, time and area of the ~~park~~ park for which it is issued, and the name of the person or persons to whom it is issued;

(f) through (g) [No change in text.]

(h) The City Manager shall notify the applicant in person or by mail of ~~his or her action~~ the decision granting or denying the application or alternative application. The City Manager, in denying an application, may authorize the gathering at such other date, time, or location as may be available, based on park capacity. If the applicant wishes to accept the proposed alternate date, time, or location, ~~he or she~~ the applicant shall, within two days of receiving the City Manager's notification, file a notice of acceptance with the City Manager. The City Manager shall thereupon issue a permit.

(i) Any parade proposed to be conducted in or through any ~~park~~ park shall be subject to Chapter 2, Article 2, Division 40, of this Code.

(j) [No change in text.]

§63.0105 Exceptions to Application of Regulations

- (a) Nothing in this Division shall be construed to prevent any employee or agent of the City of San Diego from performing any duty that, in the opinion of the City Manager or ~~his or her~~ designee, may be thought necessary or proper for the maintenance, improvement, or betterment of any ~~park, plaza or beach~~ park as may be in the best interests of the City of San Diego.
- (b) [No change in text.]

§63.0108 Park Rangers Authorized to Enforce State and Local Codes

The Park Rangers of ~~the~~ City of San Diego are hereby authorized and empowered to enforce provisions of the San Diego Municipal Code and violations of the California State Codes which are designated as misdemeanors; to make arrests without a warrant whenever the Park Ranger has reasonable cause to believe that the person to be arrested has committed a misdemeanor in the Park Ranger's presence which is a violation of a statute or Code the Park Ranger has the duty to enforce; and, while engaged in the performance of ~~his or her~~ the Park Ranger's duties, to arrest persons and issue citations under the provisions of ~~Sections~~ Sections 836.5 and 853.6 of the California Penal Code for violations which occur in the City of San Diego, ~~beach or park areas~~ parks.

Division 4: Encampments on Public Property

§63.0401 Purpose

The Council finds that the City is committed to protecting the life, health, and safety of all people in the City and finds that certain public lands within the geographical boundaries of the City pose significant health and safety hazards to the people who make shelter or stay overnight in these areas. Additionally, the Council finds that some of these public lands are environmentally sensitive and may be significantly damaged by unregulated human activity. The Council is committed to protecting the rights of individuals related to their personal property and to treating such property with respect and consideration. It is the purpose of this Division to set standards for the preservation and protection of human life, health, and safety, to further the preservation and protection of sensitive public lands to prevent destruction of these assets, and to establish a process for the collection, storage, and disposal, recycling, or reuse of personal property found in encampments on public property.

§63.0402 Definitions

For purposes of this Division, defined terms appear in italics. The following definitions apply in this Division:

Abatement means the process of documenting and collecting eligible items for storage, and removing and disposing of, recycling, or reusing of *waste* at an *encampment* according to the process in section 63.0406.

Camp means to pitch, erect, or occupy an *encampment*, or to use *camp paraphernalia* or both, for the purpose of, or in a way that facilitates outdoor

sheltering for living accommodation purposes or for remaining outdoors overnight.

Camp paraphernalia means personal property used to facilitate occupancy of an area and includes personal property typically associated with camping such as tarps, cots, beds, sleeping bags, hammocks, bedding, camp stoves, cooking equipment, buckets, and similar equipment, mattresses, couches, dressers, or other furniture.

Encampment means one or more temporary, makeshift, or hand-built structures not intended for long-term continuous occupancy, including tents, that are used to shelter one or more persons or their belongings and that are not authorized by the property owner. *Encampment* includes any *camp paraphernalia* and personal property associated with or located in or around the structures or tents.

Open space has the same definition as in San Diego Municipal Code section 63.0102(b).

Park has the same definition as in San Diego Municipal Code section 63.0102(b).

Shelter means any City-funded shelter or shelter provided as part of the City's Coordinated Intake System for shelter placements where individuals or families experiencing homelessness can access beds and other services or an area designated by the City Manager for use by individuals or families experiencing homelessness. A list of current *shelters* is provided on the City's website and is available through 2-1-1 San Diego.

Waste has the same definition as in San Diego Municipal Code section 54.0202.

Waterway means all the portions of Chollas Creek, Los Penasquitos Creek, San Diego River, San Dieguito River, and Tijuana River found within the boundaries of the City of San Diego.

§63.0403 **Protection of Waterways**

- (a) It is unlawful for any person to cause damage to a *waterway*.
- (b) It is unlawful for any person to do any of the following:
- (1) build or erect a structure of any type along the banks of any *waterway*, in any natural area abutting a *waterway*, or drive a nail or other object into any tree or other natural area vegetation for the purpose of building an *encampment* or any other structure, or to affix an object to any tree or other natural vegetation,
- (2) move boulders or large rocks, destroy vegetation, paved roads or paths created by the City, or otherwise reconfigure the natural landscape in the waters of or along the banks of a *waterway*,
- (3) drive, park, or bring any vehicle along the banks of a *waterway*, except in places specifically provided and designated for vehicular use,
- (4) dig on the banks of a *waterway*, or
- (5) discharge or store *waste*, including garbage, refuse, or human or animal *waste*, along the banks or into the waters of a *waterway*.
- (c) Nothing in section 63.0403 is intended to prohibit the activities of an owner of private property or other lawful user of private property that are normally associated with and incidental to the lawful and authorized use of

private property; and nothing is intended to prohibit the activities of a lawful user if such activities are expressly authorized by the City Manager or by any law, regulation, permit, order or other directive from a regulatory authority.

§63.0404 **Unauthorized Encampments on Public Property**

- (a) It is unlawful for any person to *camp* or to maintain an *encampment* in or upon any public property, including in any street, sidewalk, *park*, *waterway*, and natural area abutting a *waterway*, unless specifically authorized by the City Manager.
- (b) At all times, regardless of the availability of *shelter* space or beds, it is unlawful for any person to *camp* or to maintain an *encampment* where such activity poses:
- (1) an immediate threat or an unreasonable risk of harm to any natural person,
 - (2) an immediate threat or an unreasonable risk of harm to public health or safety, or
 - (3) disruption to vital government services.
- (c) At all times, regardless of the availability of *shelter* space or beds, it is unlawful for any person to *camp* or to maintain an *encampment* in the following locations:
- (1) within two blocks of a school that offers instruction on those courses of study required by the California Education Code or that is maintained

pursuant to standards set by the State Board of Education provided that signs are posted prohibiting camping that are clearly visible to pedestrians. School for purposes of section 63.0404(c) does not include a vocational or professional institution of higher education, including a community or junior college, college, or university;

- (2) within two blocks of any *shelter* provided that signs are posted prohibiting camping that are clearly visible to pedestrians;
- (3) in any *open space, waterway, or natural area abutting a waterway;*
- (4) within any transit hub, on any trolley platform, or along any trolley tracks provided that signs are posted prohibiting camping that are clearly visible to pedestrians; and
- (5) in Balboa Park, Mission Bay Park, Presidio Park, and the Shoreline Parks, which are those parks contiguous to the shoreline or beach in the communities of Ocean Beach, Mission Beach, Pacific Beach, and La Jolla.

§63.0405 **Enforcement**

- (a) Violations of this Division may be prosecuted as misdemeanors subject to the fines and custody provisions in San Diego Municipal Code section 12.0201.
- (b) Law enforcement officers shall not issue a criminal citation to enforce a violation of section 63.0404(a) between the hours of 9:00 p.m. and 5:30 a.m., or when the person is on public property at a time when there is no available *shelter*.

- (c) Sections 63.0403 and 63.0404(b) and (c) are enforceable at all times regardless of *shelter* availability.

§63.0406 **Abatement of Encampments**

The City Manager may remove personal property, *camping paraphernalia*, and all other property, contraband, litter, and *waste* found at an *encampment* or at a location where a person is engaged in unlawful camping in compliance with the following procedures:

(a) Written Notice Required Prior to Abatement

- (1) A written Notice of Clean-Up will be posted on each tent or structure and in any other distinct areas of the *encampment* providing notice of the date of clean-up and giving a minimum of 24 hours for persons to remove their personal property. The written notice shall also include the following statement, which may be updated by the City Manager to provide accurate and current information:

You must remove your belongings from the site within 24 hours. You should not leave behind any belongings you want to keep. All belongings left behind will be removed by the City. The City will post an Impound Notice if belongings are stored during the clean-up process.

If you wish to minimize the risk of losing valued belongings, you should try to keep those belongings on your person at all times, in a storage facility, or in visible, sanitary, and safety accessible bags or bins.

If you think your belongings were stored, you can claim them by following the directions on the Impound Notice after the clean-up is complete. Information about how to claim your belongings is also available on the City's website. You may retrieve any stored belongings without being asked about your criminal background or outstanding warrants.

You may access shelter or services, including access to storage for your personal belongings, through the City of San Diego's website or by calling 2-1-1 San Diego.

(2) After 24 hours, the City Manager shall conduct *abatement* of the site on the date posted on the Notice of Clean-Up. If *abatement* is delayed or rescheduled, the City Manager may conduct *abatement* within 48 hours of the posted Notice of Clean-Up without reposting a new Notice of Clean-Up. If *abatement* is delayed longer, the City Manager shall repost a Notice of Clean-Up with a new date.

(b) The City Manager shall follow these additional procedures when persons are present at an *encampment* during *abatement*:

(1) When *shelter* is available, the City Manager shall provide any person at an *encampment* with *shelter* and service information and direct them to remove their belongings from the site. The City Manager shall evaluate reasonable requests for additional time or assistance to

remove items and may accommodate those requests to the extent practicable.

(2) Any person who returns to an *encampment* during *abatement* shall be allowed to remove their personal property from the site. Personal property left behind will be deemed abandoned.

(3) Any person arrested for a criminal offense or an outstanding warrant shall not be required to abandon personal property they identify as their own. Unless the person requests the personal property be discarded or entrusted to another, all personal property of apparent value will be taken to the San Diego Police Department for impoundment in accordance with existing policy and procedure. Where the owner of the items cannot be readily identified or discovered, the City Manager shall follow the *abatement* process in this Division.

(c) The City Manager shall document the *abatement* process as follows:

(1) photograph or video record the site before any *abatement* begins,

(2) open backpacks, purses, suitcases, and other small storage containers to determine whether they contain items eligible for storage,

(3) set out items contained in bags or suitcases and photograph the items,

(4) photograph or video record all items to be stored,

(5) photograph or video record the cleanup process, and

(6) photograph or video record the site after *abatement* has concluded.

(d) Unclaimed items found in *abatement* shall be eligible for storage if:

- (1) circumstances indicate that the item belongs to a person,
- (2) the item has apparent utility in its current condition and circumstances, and
- (3) the item can be safely retrieved from the site.

Examples of items potentially eligible for storage include identification and associated paperwork, medication stored in medication bottles with identifying information, art, art supplies, musical instruments, and items that reasonably appear to have sentimental value in their current condition. An item need not be in a new or perfect condition to have apparent utility.

(e) An eligible item found during an *abatement* shall be put into storage, unless it meets one the following disqualifying conditions:

- (1) hazardous, including items contaminated with human *waste*, animal *waste*, or bugs, explosives, weapons, liquids, drug paraphernalia, or mold;
- (2) likely to become hazardous in storage, including perishables, wet materials that might become moldy, and items covered in mud;
- (3) practically un-storable, due to large size, weight, or other similar characteristic;
- (4) contraband or stolen; or
- (5) is on the City Manager's current list, published on the City's website, of common types of items that, in the experience of City

staff, individuals regularly abandon during *abatement*, and there is no contrary indication as to the specific item.

(f) The City Manager shall record each eligible item to be stored, including the location it was found and the date of storage. Any stored items shall be kept in storage at least 90 calendar days and then may be disposed of, recycled, or reused following the process in San Diego Municipal Code section 54.0212.

(g) After *abatement* has concluded and when eligible items are collected and will be placed in storage, the City Manager shall post notices at the location of the *abatement* that includes information how a person can claim stored items. Information about retrieval of stored items shall also be available on the City's website. A person may retrieve stored items based on a description with sufficient specificity to demonstrate ownership. A person may retrieve stored items without inquiry into the person's criminal background or outstanding warrants.

(h) Expedited Abatement

(1) In an expedited *abatement*, the City Manager shall follow the same *abatement* and storage procedures in section 63.0406, but shall post a Notice of Clean-Up giving a minimum of three hours for all persons to remove their personal property.

(2) The City Manager shall prioritize and expedite the removal of an *encampment* if:

- (A) the City receives direction from County of San Diego or other governmental authority that *abatement of the encampment* is necessary to preserve public health or safety, including to address known or suspected outbreaks of diseases; or
- (B) the City Manager observes or reasonably suspects the *encampment* creates a condition that presents a significant risk of property damage, bodily injury, or death.

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