

SAN DIEGO UNIFIED PORT DISTRICT

ORDINANCE 2762

ORDINANCE AMENDING ARTICLE 8, SECTION 8.05 OF THE SAN DIEGO UNIFIED PORT DISTRICT CODE – VENDING AND PERFORMING REGULATED

WHEREAS, the San Diego Unified Port District (District) is a public corporation created by the Legislature in 1962 pursuant to Harbors and Navigation Code Appendix I (Port Act); and

WHEREAS, Section 22 of the Port Act permits the Board of Port Commissioners (BPC) to pass all necessary ordinances for the regulation of the District; and

WHEREAS, Section 56 of the Port Act requires the BPC to make local regulations pertaining to the use of all public services in the District, operated in connection with or for the promotion and accommodation of commerce, navigation, fisheries, and recreation on District Tidelands; and

WHEREAS, on August 14, 2012 the BPC adopted Ordinance 2683 amending Article 8, Section 8.05 of the San Diego Unified Port District Code (UPD Code Section 8.05) to define expressive activities permissible on Tidelands and designate locations for expressive activities on Tidelands; and

WHEREAS, the amended UPD Code Section 8.05 created fourteen (14) "Designated Areas" with a total of seventy-seven (77) "Allotted Spaces" for expressive activities; and

WHEREAS, at the time the BPC approved the amendments to UPD Code Section 8.05, North Embarcadero Visionary Plan Phase 1 construction had not begun and Designated Area 7, located on the promenade between Broadway Pier and Navy Pier, was determined to be usable; and

WHEREAS, due to its location on the promenade, Designated Area 7, when used, can impede pedestrian traffic and passenger loading and unloading for both Hornblower Cruises and Flagship Cruises; and

WHEREAS, to ensure safe, continued pedestrian and bicycle access along the promenade and access to the Bay Tour Operators, staff recommends the removal of Designated Area 7; and

WHEREAS, in advance of the April 15, 2014, BPC meeting, staff posted signs on the construction fence near Designated Area 7, as well as Seaport Village and other areas nearby Designated Area 7, to inform the public and expressive activity performers of the proposed removal of Designated Area 7; and

WHEREAS, a public hearing regarding the removal of Designated Area 7 was held on April 15, 2014.

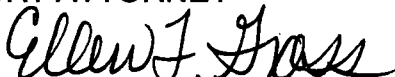
NOW, THEREFORE, the Board of Port Commissioners of the San Diego Unified Port District does ordain as follows:

Section 1. That Article 8, Section 8.05 of the San Diego Unified Port District Code, as amended is hereby adopted, a copy of which is on file in the Office of the District Clerk.

Section 2. This Ordinance shall take effect on the 31st day from its passage by the Board of Port Commissioners.

APPROVED AS TO FORM AND LEGALITY:

PORT ATTORNEY



By: Assistant/~~Deputy~~

PASSED AND ADOPTED by the Board of Port Commissioners of the San Diego Unified Port District, this 15th day of April 2014, by the following vote:

AYES: Bonelli, Castellanos, Malcolm, Merrifield, Moore, Nelson, and Valderrama

NAYS: None.

EXCUSED: None.


ABSENT: None.

ABSTAIN: None.



Robert E. Nelson, Chairman
Board of Port Commissioners

ATTEST:



Laura Nicholson
Deputy District Clerk

(Seal)