REPORT

THE CITY OF SAN DIEGO
TO THE PARK AND RECREATION BOARD

DATE ISSUED: January 21, 2021 REPORT NO: 101

ATTENTION: Park and Recreation Board
Agenda of January 21, 2021

SUBJECT: Proposed Adjustment in Hours for Leashed Dogs Access at Mission Bay Park

SUMMARY

Issue – Should the Park and Recreation Board approve recommending that the San Diego City Council enact a change to the current hours that dogs are prohibited at Mission Bay Park? The San Diego City Council must amend the San Diego Municipal Code (§63.20.12, Dogs Prohibited beach and bay) in order to enact the changes to times that dogs are prohibited at Mission Bay Park.

Director's Recommendation – Staff recommends acceptance of the recommendations from the Pacific Beach Town Council and the Mission Bay Park Committee as noted below.

Other Recommendations

- On October 6, 2020, the Mission Bay Park Committee unanimously approved to support the adjustment in times that leashed dogs are not permitted at Mission Bay Park to read: Dogs are not allowed between 10:00 a.m. and 4:00 p.m. year-round. (Attachment 1). Note: The current hours that dogs are not allowed is: Winter (November 1 to March 31) from 9:00 a.m. to 4:00 p.m. and Summer (April 1 to October 3 from 9:00 a.m. to 6:00 p.m.

- On July 1, 2020, the Pacific Beach Town Council approved to petition Parks and Recreation Department to change the hours that dogs are not allowed on the beach, boardwalk, or adjacent parks to be 10 am – 3 pm during the winter and 10 am – 5 pm during summertime. (Attachment 2)

Fiscal Impact – Approximately $10,000 (labor and materials) to revise and replace all park regulations signs related to hours that dogs are prohibited at Mission Bay Park.

Water and Energy Conservation Status – The proposed action would not have an impact on any water and energy conservation guidelines contained in Council Policy 200-14.

Environmental – The Planning Department has determined that this activity is not subject to CEQA pursuant to State CEQA Guidelines Section 15060(c)(2), as it would not result in any direct or indirect physical change in the environment.

BACKGROUND

The President of the Pacific Beach Town Council approached Parks and Recreation Department staff to request that the City for San Diego amend Municipal Code related to times that leashed dogs are prohibited at Mission Bay Park. The Mission Bay Park Committee approved the proposed change in time that dogs are prohibited at Mission Bay Park at their October 6, 2020 meeting. The new proposed time that leashed dogs are prohibited is from 10:00 a.m. to 4:00 p.m. year-round. This allows dog owners more time in the late afternoon/evening hours and an additional hour in the morning to bring their dogs to Mission Bay Park. Note: the current times that dogs are prohibited at Mission Bay Park is: 9:00 a.m. to 4:00 p.m. November 1 to March 31; and 9:00 a.m. to 6:00 p.m. April 1 to October 31. (Attachment 3).

DISCUSSION

The primary reason residents requested to increase the time for leashed dogs to access Mission Bay Park is to allow dog owners additional time during day light hours.

Only park locations within Mission Bay Park, excluding Santa Clara, will be considered for change in hours. The shoreline parks are not included. Santa Clara has a separate SD Muni Code with specific hours and locations under SDMC 63.20.12 (b) (Attachment 4), which will remain in effect.

If approved, the change in hours that leashed dogs are prohibited means law enforcement agencies, including the San Diego Police Department and Park Rangers, can only enforce the new times that dogs are prohibited. All the signs currently posted will need to be changed to reflect the new times.

The Pacific Beach Town Council and the Mission Bay Park Committee voted to recommend the new times that leash dogs are prohibited to be 10:00 a.m. to 4:00 p.m. year-round. The Park and Recreation Board is the next advisory group to consider this matter; if approved, the Department will bring this matter forward to the City Council for consideration and amendment to the Ordinance. The application of leashed dog hours at Mission Bay Park is governed by the San Diego Municipal Code in Chapter 6: §63.20.12 Public Works and Property, Public Improvement and Assessment Proceedings (Attachment 4).

ALTERNATIVES

1. Recommend the modification to the times that leashed dogs are prohibited at Mission Bay Park or;

2. Do not recommend the modification to the times that leashed dogs are prohibited at Mission Bay Park

Prepared by _____
Mike Rodrigues, District Manager
Developed Regional Parks Division

Respectfully submitted,

_____
Christina Chadwick
Assistant Deputy Director
Developed Regional Parks Division

Attachments:
1. Mission Bay Park Committee October 6, 2020 meeting minutes
2. Pacific Beach Town Council July 1, 2020 meeting minutes
3. Sign showing current hours that dogs are prohibited
4. San Diego Municipal Code §63.20.12 and 63.20.12(b)

ATTACHMENT 1

MINUTES

City of San Diego Park and Recreation Board
MISSION BAY PARK COMMITTEE
October 6, 2020

Meeting Location
ONLINE MEETING via Microsoft Teams viewed on the City's Public Meetings YouTube channel

Mailing Address:
Balboa Park
Administration Building
2125 Park Boulevard
San Diego, CA 92101

ATTENDANCE:

Members Present
Ron Anderson
Stephanie Smith
Jeff Johnson
Judith Munoz
Darlene Walter
Giovanni Ingolia (arrived 6:09 p.m.)
Paul Robinson
David Potter

Members Absent
Kari Logan - excused

Guests
Brian White
Lauren Welch
Steven Poppert
Denise Friedman

City Staff Present
Mike Rodrigues
Christina Chadwick
Karolynn Estrada
Carrie Munson
Rick Romero
Brandon Broaddus
Ryan Barbrick
Johnny Chou
Araceli Dominguez
Sonja Nystuen

CALL TO ORDER – Chairperson, Paul Robinson, called the meeting to order at 6:00 p.m.

APPROVAL OF THE MINUTES – September 1, 2020

MOTION: MOVED/SECONDED

A motion was made by D. Potter and seconded by J. Johnson to approve the September 1, 2020 meeting minutes as presented. The motion carried 6-0 with one abstention (S. Smith)

NON-AGENDA PUBLIC COMMENT / COMMUNICATIONS

Comment submitted by Ronald Miller
As a frequent user of Mission Bay Park, I am extremely disappointed with the lack of maintenance. All the park looks old and run down. But specifically, certain sections. Let's start first with Hospitality Point and what used to be Mission Bay Park headquarters now taken over by lifeguard service is in a state of disaster. This used to be a beautiful spot. The section that is supposed to be in its natural state is just plain ugly. Of course, the "Committee" will do nothing but make excuses. THINK OUT OF THE BOX-GET THINGS DONE AND RSTORE THE PARK. I have another 5 spots that are an EYE SORE.

Comment submitted by Andrew Meyer
There is new progress on the ReWild Mission Bay project. At their October 14th meeting, the Regional Water Quality Control Board will review a City of San Diego proposal to create a new alternative for ongoing De Anza planning in the northeast corner of Mission Bay. The City is proposing to spend $1.25 million on habitat improvements to Kendall-Frost, technical studies for wetland restoration, and a new alternative that commits to planning for 80 acres of new wetland with sea level rise by 2100, what the ReWild Mission Bay project has been pushing for the last year and a half. I'd be happy to answer any questions that I can about the project, or direct you to the City contact for the project.

CHAIRPERSONS REPORT – Paul Robinson
No Report

CITY COUNCIL DISTRICT 2 OFFICE – Carrie Munson
Council Office is very busy addressing the topic of short-term rentals. CD2 drafted a MOU which provides a compromise that will go to Planning Department then City Council for approval. CD2 continues to hear complaints about excessive trash and illegal RV parking for extended periods of time throughout Mission Bay Park. CD2 supports Measure E on the upcoming ballot which will remove the 30' height limit in the Midway District to allow for development.

COVID-19 websites:
City- www.sandiego.gov/coronavirus
County- www.coronavirus-sd.com
State- www.COVID19.ca.gov

STAFF REPORTS

San Diego Lifeguard Service - Lt. Rick Romero
Lifeguards have been extremely busy during the end of summer leading into the Fall with large crowds flocking the beaches and bay. Ron Anderson asked about illegal watercraft rentals and Lt. Romero commented that Lifeguards have seen an uptick in illegal private watercraft rentals in Mission Bay. Their section has made many contacts to educate these groups and issued several warnings. READ has also been notified since these private rentals violate SD Muni Code impacting several Mission Bay Park Lessees and creates safety concerns.

San Diego Police Department – Officer Brandon Broaddus
Officer Broaddus reported that the Police Department stepped up in enforcement throughout the beach communities, including Mission Bay Park, in response the task force efforts. He provided statistics with numbers of citations issued. Denise Freidman commented that the recent SDPD enforcement efforts has shown an improvement in controlling the illegal fires in the Crown Point area and thanked the task force for addressing these community concerns.

Parks and Recreation Mission Bay Park
Mike Rodrigues, District Manager, reported that the West Bonita playground and comfort station project is nearing completion and a dedication will be scheduled for early November. All playgrounds in Mission Bay Park have re-opened with signage and capacities posted for COVID-19 safety requirements. Parking enforcement has resumed, and illegally parked vehicles are now being cited/towed. Mission Bay Athletic Area improvements are in final design and will visit our Committee at the next meeting. Crown Point accessibility improvements are completed. Fiesta Island continues to be a hotbed of illegally dumped items left behind for park staff to dispose of. Lastly, houses of worship and fitness facilities are now allowed to permit the park grounds for classes and gatherings with a "pending" emergency ordinance that will waive the permit fees. Note, the November MBPC meeting is scheduled on Election Day.

REQUEST FOR CONTINUANCE - None

ACTION ITEMS
Consent (These items are adopted without discussion; they can be moved to adoption by any committee member.)
Adoption (Each adoption item requires individual action; they can be moved to consent by action of the committee.)

201. Park Ranger Araceli Dominguez with Shoreline Parks requests support for a sand fencing project at Ocean Beach Estuary with assistance from Urban Corps.

MOTION: MOVED/SECONDED

A motion was made by G. Ingolia and seconded by J. Munoz to support the project, as a concept subject to permits, for the removal of the outdated fence and install new sand fencing at the Ocean Beach Estuary with the assistance of Urban Corps to conserve and enhance the habitat and wildlife in that area. The motion carried 8-0.

202. Brian White, President, Pacific Beach Town Council requested support for the adjustment in hours for leashed dogs to access in Mission Bay Park. The requested hours for dogs **to not be permitted** in Mission Bay Park is **10:00 a.m. to 4:00 p.m.** year-round.

There were ninety-three (93) public comments supporting the time change to loosen the restrictions when dogs are permitted at Mission Bay park and there were nine (9) objections to amend the current times. Thirteen (13) public comments requested loosening the hours that dogs are not permitted at the beaches.

MOTION: MOVED/SECONDED

A motion was made by J. Munoz and seconded by S. Smith to support adjusting the times that dogs are not permitted at Mission Bay Park to read: "Dogs are not allowed

between 10:00 a.m. to 4:00 p.m. year-round". Motion carried 7-0 with one abstention (Anderson).

Santa Clara is excluded from this time charge that dogs are not permitted, and that location's current time will remain. Once these minutes are approved, staff will take this item to Park and Recreation Board for consideration as the next step in the process.

SPECIAL EVENT PERMIT REVIEW: Special Events that require road closures or will potentially impact park and/or commercial operation are brought to the Committee for a formal recommendation. They can be moved to Consent by action of the Committee.

301. None

WORKSHOP ITEMS (No actions taken; discussed by the Committee and staff)

401. Illegal Activities and Community Concerns
The "task force" reported the following mitigation measures to assist with controlling late light illegal activities at Mission Bay Park:

- Increased enforcement
- Additional signs
- Website communication/social media
- Parking lot closures
- Vehicle citations
- SDPD community meeting involvement

INFORMATION ITEMS

501. None

SUB-COMMITTEE - None

COMMITTEE MEMBER REPORTS/COMMENTS –

ADJOURNMENT – Chairperson Robinson adjourned the meeting at 7:09 p.m.

Notice of Next Regularly Scheduled Meeting: December 1, 2020 "virtually"
The November 3, 2020 (Election Day) meeting is cancelled.

Respectfully Submitted,

Mike Rodrigues, District Manager, Mission Bay Park

Please Note: This information is available in alternative formats upon request. To request an agenda in Braille, large print or cassette or to request a sign language or oral interpreter for the meeting, call Mike Rodrigues @ (619) 235-1154 or email mrodrigues@sandiego.gov at least five working days prior to the meeting to ensure availability. Alternative Listening Devices (ALD's) are also available for the meeting, if requested at least five working days prior to the meeting, to ensure availability.

ATTACHMENT 2

PACIFIC BEACH TOWN COUNCIL, INC.

ROSECREEK COTTAGE, 2525 GARNET AVE.

BOARD MEETING MINTUE – via Zoom

JULY 1, 2020

Present: Brian White, Greg Daunoras, Marcella Bothwell, Susan Crowers, Dominic Moscatello, Denise Friedman, Jane Nobbs, Karl Rand, Tony Schlegel, Ron Walker, Brianna Jackson, Brian Curry

Absent: none

CALL TO ORDER:	6:03 PM
QUORUM ESTABLISHED:	Present
APPROVAL OF AGENDA:	-Motion to approve agenda with an amendments to include: Item # 11: Short Term Vacation Rental (STVR) regulation discussion. -Move Utility Box Art Project from "Informational" to an Action Item #12 -Move Item #7 (MBHS art/poetry magazine) to Action Item # 1 -Withdraw Action Item #4 (Free membership category) to be discussed at another time. 1) Marcella. 2) Ron Approved 9-0-0
APPROVAL OF MINUTES:	Motion to approve 06/03/20 BOD Meeting minutes: 1) Marcella 2) Denise Approved: 10-0-0 Motion to approve 06/17/20 General Meeting minutes: 1) Dominic 2) Ron. Approved: 9-0-1 Motion to approve 06/27/20 Email Vote COG budget: 1) Ron 2) Dominic Approved: 9-0-0 Motion to approve 06/27/20 Email Vote RCC July rent waiver: 1) Marcella 2) Jane Approved: 10-0-0
OFFICER REPORTS:	**President White:** No report **Vice President Daunoras:** No report **Treasurer Bothwell:** Marcella reported on our PBTC checking account and Rose Creek Cottage account balances, and also our estimated tax payments. We may want to consider spending down what we make on RCC for tax purposes. **Secretary Crowers:** No report

ACTION ITEMS:

1. MBHS art/poetry magazine project

Gracie Semmens and Erick Girourard reported that they are still soliciting donations to cover printing costs for the magazine which will be about $1300 for 500 magazines. Based on $800 in advertising commitments they are seeking $500 to cover printing expenses.
Motion to donate up to $500 to cover printing costs
1) Marcella 2) Denise Approved: 9-0-0

2. Rose Creek Cottagae July rent abatement

Motion to ratify the email vote of July rent abatement for Rose Creek Cottage:
1) Marcella 2) Jane Approved: 10-0-0

3. **Rose Creek rent collection plan moving forward**

Jane reported that due to Covid, they have only had one event at RCC since the beginning of the year. They are having increasing issues with homeless encampments around the cottage, which also impacts rentability. They are in need of more security lighting.
Motion to spend up to $5000 from the Rose Creek Cottage fund for lighting and any other security needs.
1) Marcella. 2) Greg Approved: 11-0-0

Motion to approve rent abatement for Rose Creek Cottage for the month of August (leaving it to Jane's discretion after meeting with Letitia in August.)
1) Jane 2) Marcella Approved: 11-0-0

4. Concerts on the Green streaming plan ratification vote

Marcella reported that due to difficulties with Moonshine Beach and Dominic leaving the board it's not possible to proceed with the live streaming plan. She will reach out to donors to determine whether they want the donations returned or applied to next year.
Motion to cancel the COG streaming option:
1) Dominic 2) Marcella Approved: 10-0-1

5. PB Recreation Center Mural

Brian C. reported that the artist (www.artistrobtobin.com) is in the design phase and he's looking for feedback on whether we want community input, a contest, or for him to come up with a design. Rob is a long time PB resident and likes community involvement. General concensus was to let the artist proceed

with a design and then open it up to students participating in the painting, under supervision of the artist. Final approval will be needed from the city of San Diego. The mural will be on the north side of Diamond Street.

6. Discover PB- funding for trash can colletion.

Brian W. reported there is currently four day a week (MWFSat) trash collection in the business district. If we funded an additional day (Sunday) to help get through the weekend during the summer months it could make a difference. Per Sara, to add another day it would be $1500/month. Jane thinks they recently received a donation to help with the trash issue, so Brian C. and Brian W. will check with Sara. Motion to approve $3000 to assist with Sunday trash pickup 1) Brian C. 2) Susan Approved: 10-1-0

7. Governance Committee – add third member

Greg and Denise are both interested in serving on the committee. Marcella and Karl agreed that adding two members would be fine.

Motion to add both Denise Friedman and Greg Daunoras to the Governance Committee:

1) Marcella 2) Dominic Approved: 11-0-0

8. Off-leash dog areas and adjusted hours

Denise suggested adjusting the hours dogs are allowed in the parks. Current hours dogs are NOT allowed on the beach, boardwalk or adjacent parks:

WINTER (Nov. 1 through March 31)	9 am – 4 pm
SUMMER (April 1 – Oct 31)	9 am – 6 pm

Motion to petition Parks and Recreation Department to change the hours that when dogs are not allowed on the beach, boardwalk, or adjacent parks to be 10 am – 3 pm during the winter and 10 am – 5 pm during summer time.

1) Denise 2) Susan Approved: 10-0-0

9. Diversity suggestions letter received June 28

Discussion of the letter from Paige Hernandez and Regina Sinsky asking for ten specific changes they believe would address racism and discrimination in Pacific Beach. It was agreed that President White will respond by thanking them for their letter, stating that PBTC will continue working with the community to make PB a better place.

10. **STVR Announcement by Jen Campbell**

Discussion of Jen Campbell's surpise press conference announcement that a compromise has been reached working with Expedia, STVR operators and a labor union. History of the PBTC position on STVRs will be reviewed and a response will be prepared with further input from the BOD.

11. Utility Box painting project.

Brian W. reported that in working with Regina to contact the approptiate utility companies for permission, is was discovered that painting on the boxes can affect their warranties. Permission has not been secured at this point.
Motion to take no further action on painting the utility boxes unless it comes up again.
1) Marcella 2) Karl Approved: 10-0-0

Dominic is leaving the PBTC Board to attend UC Berkley to get his law degree. We thank Dominic for his service and wish him well on his studies!

INFORMATIONAL:

9:03 PM

ADJOURNED:

Minutes respectfully submitted by
Susan Crowers, Secretary

ATTACHMENT 3

63.0102 (b) (2) Dogs must be leashed

§63.0102 Use of Public Parks and Beaches Regulated

(a) Purpose and Intent

It is the purpose and intent in enacting this Division to regulate and prohibit certain activities in public parks and beaches within the City of San Diego in the interests of protecting the enjoyment and safety of the public in the use of these facilities, as well as the natural resources of the City of San Diego.

(b) I t is unlawful for any person within any public park or plaza or public beach or beach areas within the City of San Diego to do any of the acts enumerated in Section 63.0102(b).

(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; provided, however, that Section 63.0102(b)(2) does not apply to:

(A) Horses being led, ridden, or driven upon any roads or paths, therein;

(B) Dogs when fastened to and led by a chain or line not more than eight (8) feet in length of suitable strength;

(C) Dogs which are in special areas of parks designated and posted by the Park and Recreation Director as dog off-leash areas or dog training areas and so long as the regulations of the Park 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 Park and Recreation Director.

(ii) Liability and Indemnification. The presence of a dog in a designated dog off-leash area or dog training area shall constitute a waiver of liability, on behalf of the person either owning or controlling the dog, to the City of San Diego, as well as an agreement and undertaking to protect, indemnify, defend, and hold harmless the City of San Diego for any injury or damage caused by the dog.

§63.20.12 Dogs Prohibited beach and bay

(a) Except as provided in Sections 63.20.12(b), (d), and (e), it is unlawful for any person owning or having charge, care, custody, or control of any dog, whether leashed or unleashed, to be upon any public beach, any public park adjacent to a public beach, or any sidewalk adjacent to any public beach between the hours of 9 a.m. and 6 p.m. from April 1 through October 31, and between the hours of 9 a.m. and 4 p.m. from November 1 through March 31.

SDMC 63.20.12 (b) Dogs Prohibited Santa Clara

(b) Except as provided in Sections 63.20.12(e), it is unlawful for any person owning or having charge, care, custody, or control of any dog to take, cause, permit, or allow such dog, whether leashed or unleashed, to be in Santa Clara Point Community Park, located at the 900 block of Santa Clara Place, east of Bayside Walk, in Mission Bay, between the hours of 9 a.m. and 6 p.m.