



## Legislation Text

---

**File #:** 2020-0193, **Version:** 1

---

**DATE:** May 19, 2020

**SUBJECT:**

PRESENTATION AND DIRECTION TO STAFF ON THE REOPENING OF DISTRICT PUBLIC FACILITIES IN CONSIDERATION OF NEW COUNTY OF SAN DIEGO COVID-19 SOCIAL DISTANCING PROTOCOLS

**EXECUTIVE SUMMARY:**

Starting May 1, 2020, San Diego County (County) relaxed its Coronavirus 2019 (COVID-19) health crisis restrictions, which would allow the San Diego Unified Port District (District) to re-open parks, beaches, and parking lots, if mandatory social distancing and sanitation protocols could be met.

Currently, all District parks, beaches, parking lots, and fourteen (14) of the twenty (20) comfort stations are closed. The public can walk or run through the parks and beaches, if they maintain social distancing requirements and do not stop or congregate in groups. The District has re-opened the Shelter Island, Pepper Park, and Chula Vista boat ramps with the required County protocols for signage and parking restrictions in place.

Under the County's protocol for parks and beaches, visitors would be allowed to visit, sit, lie down, and picnic at parks and beaches, if they adhere to the posted health restrictions and maintain the social distancing requirements. All active sports areas, such as tennis and basketball courts, are limited to use by members of a single family/household.

The County protocol requires that five (5) mandatory criteria be met before parks and beaches can re-open:

- Signage addressing visitor's health and social distancing requirements
- Protect employee health
- Prevent crowds from gathering
- Keep people at least six (6) feet apart
- Prevent unnecessary contact

The District has the option to keep parks closed, re-open all parks, or limit the number of parks re-opened. All County protocol requirements can be met, but at a substantial cost and impact to the District's budget. Leaving parks and beaches closed would result in minimal additional cost to the District, while opening all or a limited number under the County protocol would cost between approximately \$153,000/month for seven (7) locations to \$289,000/month for all locations. Social distancing monitoring and additional comfort station cleaning requirements, if fully or partially implemented, account for most of park and beach opening cost.

Staff anticipates that guidance and requirements mandated from Federal, State, and County agencies will continue to evolve during this COVID-19 health crisis, which could have implications on this and future Board actions.

Staff's recommended alternatives are to keep all parks closed until County mandated requirements are eased or to limit the number of park re-openings due to District budget constraints as more fully discussed below. Staff is seeking Board feedback and direction on re-opening District parks.

### **RECOMMENDATION:**

Receive staff's presentation and provide direction on staff's proposed approach to re-opening District parks.

### **FISCAL IMPACT:**

If direction to staff is to leave parks and beaches closed, then there would be minimal additional cost to the District. If direction to staff is to open all or a limited number of parks and beaches under the County's protocol, the estimated cost is between \$153,000 per month for seven (7) locations to \$289,000 per months for all locations. Social distancing monitoring and additional comfort station cleaning requirements, if fully or partially implemented, account for most of the parks and beaches opening costs.

### **COMPASS STRATEGIC GOALS:**

This agenda item supports the following Strategic Goal(s).

- A Port that is a safe place to visit, work and play.
- A financially sustainable Port that drives job creation and regional economic vitality.

### **DISCUSSION:**

#### **Background**

The County relaxed its COVID-19 health crisis restrictions on May 1, 2020. The updated guidance allows local government agencies to re-open parks and beaches, if they can meet the five (5) mandatory social distancing and sanitation measures described below. The District can meet all mandatory protocol requirements, but at a substantial impact to the current fiscal year and 2021 budgets.

The District closed all public access to parks, beaches, parking lots, boat ramps, and fourteen (14) of the twenty (20) comfort stations around San Diego Bay in March 2020, in compliance with County Order of the Health Officer and Emergency Health Regulations to help minimize the spread and exposure to the COVID-19 virus. The public can still walk or run through District parks and conduct water sports at beaches, as long as they maintain social distancing requirements and do not stop or congregate in groups.

## **Coastal Development Permit Waiver**

On April 14, 2020, the California Coastal Commission authorized the issuance of a Coastal Development Permit (CDP) waiver (Attachment B), allowing for the temporary closure of all District Managed parks and facilities, including associated restrooms, as well as the use of temporary installations, such as chain link fencing, barricades, and signage, to implement the closures. This waiver applies until the Governor's Executive Order N-33-20 "Stay at Home Order" and the County Order of the Health Officer and Emergency Health Regulations are no longer in effect, at which time the District must reopen all parks and facilities and remove all temporary development within one week. The County's recent modification of the Order of the Health Officer and Emergency Health Regulations to enable the re-opening of parks and beaches under required social distancing protocols does not constitute lifting of the Order, meaning the CDP waiver is still in effect and does not constrain the Board's direction.

## **County of San Diego Social Distancing and Sanitation Protocol - Parks and Beaches**

The County protocol requires that government agencies implement five (5) mandatory measures before parks and beaches can re-open.

### **Signage:**

- Required at each public entrance to the park/beach informing the public not to enter the facility if they have a cough or fever.
- Social Distancing signs placed throughout the park/beach advising members of the public to maintain a minimum of six-foot distance from one another (other than family / household members).

District Required Actions: The number of required signs is dependent on the size of each park/beach. Staff estimates that between 200-250 signs will be required to meet this requirement for all District parks and beaches and 100-150 signs for a limited opening of six (6) parks and beaches.

### **Measures to Protect Employee Health (Park and Beach Locations):**

- All employees shall complete a health screening prior to each shift and shall not be allowed to work if the employee is exhibiting symptoms of COVID-19.
- All employees shall wear face coverings when within six (6) feet of another employee or a member of the public.
- Break rooms, bathrooms and other common areas shall be disinfected at least every two hours or as needed based on use.

District Required Actions: Staff are currently required to wear face coverings and have disinfectant, hand sanitizer, soap and water available in park working areas along with personal sanitizing kits available in work vehicles. The comfort stations available for staff use are cleaned at a standard rate of two times daily. To fully meet the County's requirement, additional janitorial cleaning services would be required at comfort stations used by staff working at parks. The above requirements apply to all staff and contracted personnel working at any District park and beach.

### **Measures to Prevent Crowds from Gathering:**

- Minimum one (1) employee shall be or available as needed when Park/Beach is open to the public and assigned to monitor compliance with the County's Protocol
- Parking limitation - reduce number of available spaces by 50%

District Required Actions: Harbor Police does not have capacity to physically assign Officers at all park and beach locations during hours of operation. Social distancing monitoring could be accomplished through an existing security guard services agreement and with additional signage to enforce parking lot restrictions. Alternately, Harbor Police could provide "available as needed" monitoring and enforcement that would be conducted during routine patrolling.

### **Measures to Keep People At Least Six Feet Apart:**

- Place signs throughout the park/beach advising all members of the public (except members of single family/household) to remain at least six (6) feet apart.
- Place tape or markings at least six (6) feet apart in any area where members of public may form a line.

District Required Actions: Additional signage would be required throughout park/beach areas to reinforce social distancing messaging.

### **Measures to Prevent Unnecessary Contact:**

- Public restrooms are monitored and shall be cleaned and disinfected every two (2) hours or as needed, dependent on use, or will remain closed.
- All playgrounds with play equipment shall be closed.
- All indoor recreational areas shall be closed.
- All active sports areas, such as tennis and basketball courts, shall be limited to use by members of a single family/household.

District Required Actions: The number of additional comfort station cleanings is dependent on the number of hours parks are open. By strictly following County protocols and cleaning restrooms every two (2) hours, a minimum of (4) additional daily cleanings for a total of seven (7) cleanings per day would be required if parks were opened for twelve (12) hours. All District park playgrounds are currently closed and fenced off and additional social distancing signage would need to be added to sports areas, if parks are opened.

## **Options**

Under the County's protocol for parks and beaches, the District has the option to:

- Keep all parks and beaches closed
- Re-open all parks and beaches
- Re-open a limited number of parks and beaches
- Limit hours of operation for all or some parks and beaches
- Limit days of operation for all or some parks and beaches
- Open or leave comfort stations and parking lots closed

Staff has identified six (6) locations, if the Board decides to open a limited number of parks and

beaches. The recommended hours of operation would be from 8:00am to 8:00pm:

- Cesar Chavez Park
- Tuna Harbor Park
- Shelter Island Park
- Kellogg Beach
- Coronado Tidelands Park
- Pepper Park
- Bayfront Park

### **Budget Considerations**

The cost for meeting the County park restroom facility cleaning and social distancing protocols would have a significant impact on the District's budget.

Comfort Station Cleaning and Sanitation: There are 20 public comfort stations located within District parks and public access areas. Fourteen (14) comfort stations were closed as part of the effort to prevent unnecessary contact and slow the spread of the COVID-19 virus. The remaining six (6) public comfort stations have been left open to meet tenant requirements during the COVID-19 health crisis at a cost of \$5,000/month. They are located at Shelter Island Transient Dock, Shelter Island Boat Launch, America's Cup Harbor, Crescent, Tuna Harbor, and Broadway Landing.

The pre-COVID-19 summer seasonal cost for three (3) daily cleanings of all twenty (20) comfort stations by the District's current janitorial service provider, NMS Management, INC (NMS), is approximately \$34,700/month. Under the County's protocol, an additional four (4) cleanings per day (for a total of seven (7) daily cleanings) per comfort station would be required if parks were opened from 8:00am - 8:00pm (twelve (12) hours). The total estimated cost to provide seven (7) additional daily cleanings at seven (7) park locations and the six (6) currently opened comfort stations is \$85,000/month; or \$122,000/month if all parks and comfort station locations are opened. The current NMS janitorial service agreement will require an amendment and Board approval at a future Board meeting to increase the maximum agreement amount pursuant to BPC Policy No. 110.

Social Distance Monitoring: The County protocol requires a minimum of one (1) employee be present at parks and beaches or available as needed to monitor and enforce social distancing. Harbor Police does not have capacity to physically assign Officers at all locations during park hours of operation. Staff proposes using an existing security services agreement with Allied Universal to provide the social distancing monitoring services, if parks and beaches are opened. The estimated average cost for security guard services is \$9,100/month per location. The current Allied Universal security agreement will require an amendment and Board approval at a future Board meeting to increase the maximum agreement amount pursuant to BPC Policy No. 110.

The estimated non-personnel expense (NPE) costs for meeting the County parks and beach protocol requirements is shown in the table below.

Mandatory Criteria	All Parks/ Beaches	Limited Opening (6 Parks)
Signage	\$2,000	\$2,000
Protect Employee Health	\$1,000	\$1,000
Prevent Crowds from Gathering (Social Distance Monitoring)	\$164,000/month (18 Locations)	\$65,000/month
Keep People at Least Six (6) Feet Apart	Included in Signage	Included in Signage
Prevent Unnecessary Contact (Comfort Station Cleaning and Disinfection)	\$122,000/month (7 Daily Cleanings)	\$85,000/month (7 Daily Cleanings)
<b>Total:</b>	<b>\$289,000/month</b>	<b>\$153,000/month</b>

### Recommendation

Receive staff's presentation and provide direction on one of the following approaches to the re-opening of District parks in consideration of the County of San Diego COVID-19 Social Distancing Protocols:

- A) Parks and beaches remain closed until County-mandated requirements are eased. The public can still walk or run through District parks and conduct water sports at beaches, if they maintain social distancing requirements and do not stop or congregate in groups.

Fiscal Impact: No additional cost beyond current janitorial service charges for six (6) comfort stations that are currently open (approximately \$5,000/month).

- B) Open all parks and beaches adhering to County social distancing and sanitation protocols.

Fiscal Impact: \$289,000/month

- C) Limit the number of parks and beaches opened.

Fiscal Impact: \$153,000/month (7 locations)

- D) Open parks only on weekends.

Fiscal Impact: \$32,000/month (6 Parks) plus cost for initial signage  
\$76,000/month (all parks) plus cost for initial signage

- E) Open Parks and beaches with restrictions to include:

- Comfort stations remain closed

Fiscal Impact: Approximately \$5,000/month for janitorial service (2 cleanings/day) at the six (6) comfort stations currently open.

- Limit comfort station daily cleanings to current seasonal levels (three (3) per day).

Fiscal Impact: \$34,700/month for janitorial service only (all parks) and additional cost for social distance monitoring

Funding for above options will need to be transferred from unrestricted resource funding.

**General Counsel's Comments:**

The Office of the General Counsel has approved this presentation as presented to it and approves same as to form and legality.

**Environmental Review:**

The presentation and the Board's direction to staff do not constitute an "approval" or a "project" under the definitions set forth in California Environmental Quality Act (CEQA) Guidelines Sections 15352 and 15378 because no direct or indirect changes to the physical environment would occur. CEQA requires that the District adequately assess the environmental impacts of projects and reasonably foreseeable activities that may result from projects prior to the approval of the same. Any project developed as a result of Board's direction that requires the District or the Board's discretionary approval resulting in a physical change to the environment will be analyzed in accordance with CEQA prior to such approval. CEQA review may result in the District, in its sole and absolute discretion, requiring implementation of mitigation measures, adopting an alternative, including without limitation, a "no project alternative" or adopting a Statement of Overriding Consideration, if required. The presentation and Board direction in no way limit the exercise of this discretion. Therefore, no further CEQA review is required.

The presentation and the Board's direction comply with Section 35 of the Port Act, which allows the Board to do all acts necessary and convenient for the exercise of its powers. The Port Act was enacted by the California Legislature and is consistent with the Public Trust Doctrine. Consequently, the presentation and the Board's direction are consistent with the Public Trust Doctrine.

The presentation and the Board's direction do not allow for "development," as defined in Section 30106 of the California Coastal Act, or "new development," pursuant to Section 1.a. of the District's CDP Regulations because they would not result in, without limitation, a physical change, change in use or increase the intensity of uses. Therefore, issuance of a CDP or exclusion is not required at this time. However, development within the District requires processing under the District's CDP Regulations. Future development, as defined in Section 30106 of the Coastal Act, will remain subject to its own independent review pursuant to the District's certified CDP Regulations, PMP, and Chapters 3 and 8 of the Coastal Act. The presentation and the Board's direction in no way limit the exercise of the District's discretion under the District's CDP Regulations. Therefore, issuance of a CDP or exclusion is not required at this time.

**Equal Opportunity Program:**

Not applicable.

**PREPARED BY:**

Allen Broughton  
Business Manager, General Services

Attachment(s):

Attachment A: Coastal Development Permit Waiver