

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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SAN DIEGO, CA 92108-4421
(619) 767-2370



February 5, 2014

John Leek
3090 Admiral Avenue
San Diego, CA 92123-3104

Re: Public Access to the Shore at Children's Pool Beach

Dear Mr. Leek:

This letter is in response to your letter dated January 19, 2014 and received by our office on January 23, 2014. In your letter, you pose several questions related to public access to the shore at Children's Pool Beach in La Jolla and are asking for our clarification as it relates to the Coastal Commission. Please see the responses provided below:

1. Is Children's Pool still an open public beach as stated on the rope signs and in the permit?

Yes, Children's Pool is open to the public on a year-round basis; however, the guideline rope serves as a buffer between people and seals to help protect the harbor seals that haul out there from harassment and disturbance.

2. Can position behind or beyond that rope be a criterion for criminality without violating the year round rope permit terms?

Although Children's Pool Beach is within the Coastal Commission's original permit jurisdiction, it is a City beach that is managed by the City's Parks and Recreation Department. Thus, the City has the responsibility and authority to manage it – with a park ranger specifically designated to the subject beach for both educational and enforcement purposes. Under its local police powers, the City may issue warnings and citations to persons in violation of any local laws without violating the terms of the coastal development permit for a year-round rope.

3. Can shore access at that beach be forcibly curtailed by threat, bullying, coercion, idle threat, or otherwise blocking passage without violation of the Coastal Act and policies because of some special circumstance peculiar to that beach?

As mentioned previously, the subject beach is managed by the City of San Diego who has the authority to enforce its local laws and regulations pertaining to the prohibition of mistreatment of animals within City beaches or parks. The City has

designated a park ranger to the subject beach and operates under a set of protocols (i.e., educate, warn, cite, etc.) to ensure the harbor seal rookery is protected from harassment and disturbance.

4. Can a local ordinance re-interpretation that was never publicly posted or copied to your office be used to obviate coastal access protections? Or did you know of this and approve it?

Any local ordinances and/or statutes that are not part of the City's certified Local Coastal Program (LCP) do not require the Commission's review or approval. The subject ordinance related to the prohibition of mistreatment of animals within City parks and beaches is not part of the City's certified LCP and thus, does not require our review or approval.

5. Does the Coastal Commission recognize the 1931 Children's Pool Trust and Landgrant as a California law being one of the laws that contributes to the San Diego Coastal Plan? I ask this since the Coastal Commission is a State agency and part of the enforcement arm of the State Lands Commission which was party to that statute and the 2010 amendment.

No, the referenced trust and land grant are not part of the City's certified LCP. Since the beach is within the Commission's original permit jurisdiction, for development proposals on the beach, the Commission uses the Chapter Three policies of the Coastal Act as the standard of review, with the City's certified LCP serving as guidance. Additionally, the Coastal Commission is not part of the enforcement arm of the State Lands Commission.

I hope we have answered your questions concerning public access to the shore at Children's Pool Beach in La Jolla. If you have any other questions or concerns regarding this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kanani Brown', with a long, sweeping horizontal line extending to the right.

Kanani Brown
Coastal Program Analyst II