

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



August 19, 2011

Mr. George Schaefer
Office of the City Attorney
1200 Third Ave., Suite 1100
San Diego, CA 92101-4100

RE: Coastal Development Permit Jurisdiction – Children’s Pool La Jolla

Dear Mr. Schaefer,

This letter is in response to your letter of July 26, 2011 to Christina Arndt requesting a determination of coastal development permit jurisdiction for a rope barrier on the beach at the La Jolla Children’s Pool. In your letter, you also request acknowledgement of a previous informal determination by Commission staff that a portion of Children’s Pool beach is within the City’s permit jurisdiction which has led to the City’s issuance of a coastal development permits for development at Children’s Pool beach in recent past.


The District staff of the Coastal Commission did previously advise the City that the rope barrier was within the City’s permit jurisdiction; however, this determination was incorrectly based on the approximate location of the mean high tide line as it exists today. After consultation with the Commission’s Mapping Unit, we realize that we did not take into consideration the fact the beach is located on historic tidelands and submerged lands that have previously been subject to the public trust and, therefore, the entire beach is subject to the Commission’s original permit jurisdiction. (Pub. Resources Code § 30519(b), 14 Cal. Code Regs. § 13577(f).) A formal boundary determination is attached for your use.

As a result, any potential new application for a year-round rope barrier should be submitted to the Coastal Commission after it has received any necessary local discretionary approvals from the City. In addition, the current City-issued permit for the annual rope to be installed during pupping season has been reviewed by the Commission on appeal and the Commission found no substantial issue was raised by the City’s permit with regard to consistency with the certified LCP and the public access and recreation policies of the Coastal Act.

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Please advise if you require any additional information regarding this determination.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah Lee". The signature is fluid and cursive, with the first name being more prominent.

Deborah Lee
District Manager

cc: Christina Arndt
Sherilyn Sarb
Lee McEachern