

**PLANNING COMMISSION ACTION OF DECEMBER 12, 2013**

**THE LA JOLLA CHILDREN'S POOL BEACH CLOSURE**

The following motion was made by Commissioner Haase and seconded by Commissioner Golba. The motion passed by a vote of 4-3-0 with Commissioners Haase, Golba, Smiley, and Naslund voting yes; Commissioners Peerson, Quiroz and Wagner voting no.

**MOTION**

The Planning Commission recommends to the City Council that language be added to the La Jolla Community Plan that states that public access to the La Jolla Children's Pool shall be limited and/or prohibited during Harbor seal pupping season (see attached corrections to proposed plan language). Further, the Planning Commission also strongly urges the City Council to seek a permanent, long-term solution to co-habitation of the beach. In addition the Planning Commission recommended that if these recommendations are acceptable, that the associated ordinance should also be modified.

NOTE: The following pages represent staff's interpretation for implementation of the motion into the La Jolla Community Plan and Resolution.

**The detail changes to the proposed La Jolla Community Plan language are as follows in ~~Strike Through~~/Underline format:**

1. On Page 26, under Environmentally Sensitive Habitat Areas that in addition to adding and Marine Resources to the title, that a sentence be added to read:

In addition, seasonal access restrictions and a buffer are designated for the Children's Pool Beach in order to protect breeding pinnipeds pursuant to Section 30230 of the California Coastal Act. ~~No public access is permitted~~ may be limited below the top of the lower staircase leading down to the sand from the sidewalk during seal pupping season.

2. That on Page 30, Item 12, coast Boulevard Park: Children's Pool language be added to state (For more information regarding the seasonal access restrictions refer to Appendix G Subarea E).
3. That on Page 40 under Shoreline Areas and Coastal Bluffs, following the third paragraph a sentence be added as follows: Beach access is also limited on a seasonal basis at Children's Pool Beach, an area of special biological significance, during harbor seal pupping season to protect the harbor seal rookery during this most vulnerable period.
4. On Page 168, under Shoreline Access, item d., Children's Pool, that a sentence be added to read: In order to protect breeding Harbor Seals, ~~no public access is permitted~~ may be limited below the top of the lower staircase leading down to the sand from the sidewalk during seal pupping season. \* See discussion below.

\* On June 8, 2010, the City of San Diego City Council, via Resolution No. R-305837, directed the City Attorney "to draft an ordinance amending the Municipal Code...to prohibit public access to the Children's Pool beach during harbor seal pupping season, from December 15 to May 15" and directed the Mayor or his designee "to amend the Local Coastal Program, only if required, to prohibit the public from entering the beach during harbor seal pupping season from December 15<sup>th</sup> through May 15<sup>th</sup>." In order to effect this directive, staff proposed the closure of the Children's Pool beach during pupping season in accordance with California Coastal Act Section 30230:

"Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purpose."

Therefore, in order for the Local Coastal Program (LCP) to be consistent with the Coastal Act, compliance with Section 30230 is required. The seasonal ~~prohibition~~ limitation of public access onto the lower staircase leading down to the sand from the sidewalk and onto the Children's Pool beach during the seal pupping season, generally from December 15<sup>th</sup> to May 15<sup>th</sup>, is based on such a ~~prohibition~~ limitation being the most protective of significant marine resource.

**And lastly the Planning Commission recommends that item Nos. 1 and 3 of the draft Planning Commission Resolution be modified to read as follows:**

1. Access to the beach and use of the coast in a safe area at this location would be ~~lost~~ limited (seasonally); and
2. Encourage the Council to take a larger, more global view on this issue and consider ensuring that, while the Planning Commission supports this ~~closure~~ special protection at Children's Pool, that this type closure does not occur elsewhere and that the Council assess ~~who is losing out~~ the limitation and/or loss of access in this action and how those needs can be met in other places.