From:	Jane Reldan, M.D.
To:	Councilmember Sherri Lightner; CouncilMember Kevin Faulconer; Councilmember Todd Gloria; Councilmember Myrtle Cole; Councilmember Mark Kersey; CouncilMember Lorie Zapf; Councilmember Scott Sherman; CouncilMember David Alvarez; CouncilMember Marti Emerald; CLK City Clerk
Subject:	Please Support Closure of Casa Beach During Harbor Seal Pupping Season
Date:	Thursday, January 30, 2014 2:41:05 PM

Dear San Diego City Council: Please support winter seasonal closure at Casa Beach during harbor seal pupping season, December 15 to May 15 annually.

From:	Advocate on behalf of Volker Utschick
To:	CLK City Clerk
Subject:	Please Protect Seals by Supporting the Winter Closure of Casa Beach!
Date:	Friday, February 14, 2014 3:33:05 PM

Feb 14, 2014

City Clerk

Dear Clerk,

I was sickened to learn that seal families are being harassed by beachgoers as these highly sensitive animals seek a safe haven on Casa Beach during pupping season. Last year, despite protective barriers, residents were caught on video viciously harassing the animals--some of whom were apparently pregnant. These animals are just trying to survive and raise their families! Humans have razed wild coastal habitats and there are plenty of recreational beach areas available, so seal rookeries should be protected.

Please vote in support of the proposed resolution to prohibit public access to Casa Beach annually from December 15 to May 15. Banning these events would be good for animals as well as California's fragile ecosystems, and I respectfully ask you to implement a ban.

Sincerely,

Volker Utschick

From:	Advocate on behalf of Miranda Torres
To:	CLK City Clerk
Subject:	Please Protect Seals by Supporting the Winter Closure of Casa Beach!
Date:	Friday, February 14, 2014 3:33:43 PM

Feb 14, 2014

City Clerk

Dear Clerk,

I was sickened to learn that seal families are being harassed by beachgoers as these highly sensitive animals seek a safe haven on Casa Beach during pupping season. Last year, despite protective barriers, residents were caught on video viciously harassing the animals--some of whom were apparently pregnant. These animals are just trying to survive and raise their families! Humans have razed wild coastal habitats and there are plenty of recreational beach areas available, so seal rookeries should be protected.

Please vote in support of the proposed resolution to prohibit public access to Casa Beach annually from December 15 to May 15. Banning these events would be good for animals as well as California's fragile ecosystems, and I respectfully ask you to implement a ban.

Sincerely,

Miranda Torres

From:	Suellen Simonson
To:	Councilmember Sherri Lightner; CouncilMember Kevin Faulconer; Councilmember Todd Gloria; Councilmember Myrtle Cole; Councilmember Mark Kersey; CouncilMember Lorie Zapf; Councilmember Scott Sherman; CouncilMember David Alvarez; CouncilMember Marti Emerald; CLK City Clerk; CLK Hearings
Subject:	Casa Beach closure during seal pupping season
Date:	Thursday, February 06, 2014 8:32:19 AM

Interim Mayor Todd Gloria and Members of the City Council
City of San Diego
202 C Street, 10th Floor
San Diego, CA 92101

Dear Interim Mayor Gloria and Members of the City Council:

I support closing Casa Beach in La Jolla during the five months of harbor seal pupping season between December 15 and May 15. As you know, the Federal Marine Mammal Protection Act and the San Diego Municipal Code protect wildlife at this location.

Of the 17 mainland seal rookeries in California, only Casa Beach and Bolinas Lagoon in Marin County have no access restrictions during pupping season.

Closing this beach during pupping season will protect seal mothers and newborn seal pups from human harassment. Unfortunately, harassment and encroachment from people results in premature births, abandoned pups and increased pup mortality. An abandoned harbor seal pup cannot survive without its mother.

It is for these reasons that I encourage you to close Casa Beach during the critical months of seal pupping season.

Sincerely,

Sue Simonson (La Jolla resident)

From:	Craig Schreiber
To:	Councilmember Sherri Lightner; CouncilMember Kevin Faulconer; Councilmember Todd Gloria; Councilmember Myrtle Cole; Councilmember Mark Kersey; CouncilMember Lorie Zapf; Councilmember Scott Sherman; CouncilMember David Alvarez; jreldan@san.rr.com; CouncilMember Marti Emerald; CLK City Clerk; CLK Hearings
Subject:	Support for Closing Casa Beach
Date:	Thursday, February 13, 2014 3:06:25 PM

Interim Mayor Todd Gloria and Members of the City Council
City of San Diego
202 C Street, 10th Floor
San Diego, CA 92101

Dear Interim Mayor Gloria and Members of the City Council:

I support closing Casa Beach in La Jolla during the five months of harbor seal pupping season between December 15 and May 15. As you know, the Federal Marine Mammal Protection Act and the San Diego Municipal Code protect wildlife at this location.

Of the 17 mainland seal rookeries in California, only Casa Beach and Bolinas Lagoon in Marin County have no access restrictions during pupping season.

Closing this beach during pupping season will protect seal mothers and newborn seal pups from human harassment. Unfortunately, harassment and encroachment from people results in premature births, abandoned pups and increased pup mortality. An abandoned harbor seal pup cannot survive without its mother.

It is for these reasons that I encourage you to close Casa Beach during the critical months of seal pupping season.

Here is a video I took myself witnessing the harassment: http://vimeo.com/47991902

Sincerely,

Craig Schreiber
Pacific Beach Resident

From:	Advocate on behalf of Leigh Quinn
To:	CLK City Clerk
Subject:	Please Protect Seals by Supporting the Winter Closure of Casa Beach!
Date:	Friday, February 14, 2014 3:33:33 PM

Feb 14, 2014

City Clerk

Dear Clerk,

I was sickened to learn that seal families are being harassed by beachgoers as these highly sensitive animals seek a safe haven on Casa Beach during pupping season. Last year, despite protective barriers, residents were caught on video viciously harassing the animals--some of whom were apparently pregnant. These animals are just trying to survive and raise their families! Humans have razed wild coastal habitats and there are plenty of recreational beach areas available, so seal rookeries should be protected.

Please vote in support of the proposed resolution to prohibit public access to Casa Beach annually from December 15 to May 15. Banning these events would be good for animals as well as California's fragile ecosystems, and I respectfully ask you to implement a ban.

Sincerely,

Leigh Quinn

From:	10acres@cox.net
To:	Councilmember Sherri Lightner; CouncilMember Kevin Faulconer; Councilmember Todd Gloria; Councilmember Myrtle Cole; Councilmember Mark Kersey; CouncilMember Lorie Zapf; Councilmember Scott Sherman; CouncilMember David Alvarez; CouncilMember Marti Emerald; CLK City Clerk
Subject:	Please support the closure of Casa Beach during the pupping season!
Date:	Friday, January 31, 2014 9:18:35 AM
Importance:	High

Dear Interim Mayor Gloria and Members of the City Council:

I support closing Casa Beach in La Jolla during the five months of harbor seal pupping season between December 15 and May 15. As you know, the Federal Marine Mammal Protection Act and the San Diego Municipal Code protect wildlife at this location.

Of the 17 mainland seal rookeries in California, only Casa Beach and Bolinas Lagoon in Marin County have no access restrictions during pupping season.

Closing this beach during pupping season will protect seal mothers and newborn seal pups from human harassment. Unfortunately, harassment and encroachment from people results in premature births, abandoned pups and increased pup mortality. An abandoned harbor seal pup cannot survive without its mother.

It is for these reasons that I encourage you to close Casa Beach during the critical months of seal pupping season.

Sincerely,

Holly Parker
59 year San Diego Native
581 Fifield Street
Chula Vista, CA 91910

From:	Jane Reldan, M.D.
To:	Councilmember Sherri Lightner; CouncilMember Kevin Faulconer; Councilmember Todd Gloria; Councilmember Myrtle Cole; Councilmember Mark Kersey; CouncilMember Lorie Zapf; Councilmember Scott Sherman; CouncilMember David Alvarez; CouncilMember Marti Emerald; CLK City Clerk
Subject:	Please Support Closure of Casa Beach During Harbor Seal Pupping Season
Date:	Thursday, January 30, 2014 2:43:31 PM

Dear San Diego City Council: Please support winter seasonal closure at Casa Beach during harbor seal pupping season, December 15 to May 15 annually.

Jane Reldan, MD

From:	Michael Gold
To:	Councilmember Sherri Lightner; CouncilMember Kevin Faulconer; Councilmember Todd Gloria; Councilmember Myrtle Cole; Councilmember Mark Kersey; Councilmember Scott Sherman; CouncilMember David Alvarez; CouncilMember Marti Emerald
Cc:	CLK City Clerk; CLK Hearings
Subject:	Please Support Closure of Casa Beach During Harbor Seal Pupping Season
Date:	Wednesday, February 12, 2014 7:54:31 AM

Dear San Diego City Council,

Please support winter seasonal closure at Casa Beach during harbor seal pupping season, December 15 to May 15 annually.

Closing this beach during pupping season will protect seal mothers and newborn seal pups from human harassment. Unfortunately, harassment and encroachment from people often results in the seals flushing in to the water, which causes them to expend energy needlessly while preventing them from gaining the benefits of hauling out. When pups are on the beach, they can be injured or even killed by stampeding adult seals.

Biologists have observed that the presence of people on the beach near the hauled out seals typically results in large numbers of seals flushing. By prohibiting the public from entering the beach, flushing incidents will be vastly reduced, thus preventing premature births, abandoned seal pups and increased pup mortality. An abandoned harbor seal pup cannot survive without its mother.

For all of these reasons, it is imperative that you vote to protect the La Jolla Seals by approving the seasonal closure of Casa Beach.

Sincerely,

M. Gold
2657 Ariane Drive
San Diego, Ca 92117

From:	Brian Bowers
To:	Councilmember Sherri Lightner; CouncilMember Kevin Faulconer; Councilmember Todd Gloria; Councilmember Myrtle Cole; Councilmember Mark Kersey; CouncilMember Lorie Zapf; Councilmember Scott Sherman; CouncilMember David Alvarez; CouncilMember Marti Emerald; CLK City Clerk
Subject:	Please act to protect San Diego"s wildlife
Date:	Monday, February 10, 2014 8:57:31 AM

Dear City Council Members,

I went for a walk with my wife in La Jolla on Saturday afternoon. We walked down to Casa Beach hoping to see some of the seals and perhaps a new born pup or two. Instead what we saw were two men in lawn chairs parked right in the middle of the beach. They were men I have seen down there before who are not there as much to enjoy the beach as they are to keep the seals from coming to the beach. A few seals were floating just off shore watching the beach for a safe chance to come up to the sand. They never did. The rest of the local colony were on a nearby rock which was continually getting hit with waves.

One of the most popular tourist destinations in San Francisco is Pier 39, where hundreds of sea lions haul out on docks where the public can view them. I'm sure there were some people who were very angry when the seals took over those docks, but the city acted in the best interest of the wildlife and the public and designated the area as a safe haven for these animals. The city now benefits from the tourism and uses the opportunity to educate the public about the sea lions. Perhaps San Diego should do the same with the seals.

Thousands of people go to the children's pool each year to view the seals, far more than I ever observed going down to use the beach. The seal's presence have created a huge tourism opportunity for San Diego and the city of La Jolla. Imagine turning the children's pool area into a living museum/marine park which could be used to educate visitors about our coastline and its inhabitants.

Haven't we taken enough from San Diego's wild animals? Let's use this opportunity to give a little bit back to nature.

Thank you for your time,

Brian Bowers
brianmbowers@gmail.com

From:	Advocate on behalf of Sarah Pitari
To:	CLK City Clerk
Subject:	Please Protect Seals by Supporting the Winter Closure of Casa Beach!
Date:	Friday, February 14, 2014 3:31:44 PM

Feb 14, 2014

City Clerk

Dear Clerk,

I was sickened to learn that seal families are being harassed by beachgoers as these highly sensitive animals seek a safe haven on Casa Beach during pupping season. Last year, despite protective barriers, residents were caught on video viciously harassing the animals--some of whom were apparently pregnant. These animals are just trying to survive and raise their families! Humans have razed wild coastal habitats and there are plenty of recreational beach areas available, so seal rookeries should be protected.

Please vote in support of the proposed resolution to prohibit public access to Casa Beach annually from December 15 to May 15. Banning these events would be good for animals as well as California's fragile ecosystems, and I respectfully ask you to implement a ban.

Sincerely,

Sarah Pitari

From:	Advocate on behalf of Katy Mitchell
To:	CLK City Clerk
Subject:	Please Protect Seals by Supporting the Winter Closure of Casa Beach!
Date:	Friday, February 14, 2014 3:31:50 PM

Feb 14, 2014

City Clerk

Dear Clerk,

I was sickened to learn that seal families are being harassed by beachgoers as these highly sensitive animals seek a safe haven on Casa Beach during pupping season. Last year, despite protective barriers, residents were caught on video viciously harassing the animals--some of whom were apparently pregnant. These animals are just trying to survive and raise their families! Humans have razed wild coastal habitats and there are plenty of recreational beach areas available, so seal rookeries should be protected.

Please vote in support of the proposed resolution to prohibit public access to Casa Beach annually from December 15 to May 15. Banning these events would be good for animals as well as California's fragile ecosystems, and I respectfully ask you to implement a ban.

Sincerely,

Katy Mitchell

From:	Advocate on behalf of Emma Lord
To:	CLK City Clerk
Subject:	Please Protect Seals by Supporting the Winter Closure of Casa Beach!
Date:	Friday, February 14, 2014 3:32:56 PM

Feb 14, 2014

City Clerk

Dear Clerk,

I was sickened to learn that seal families are being harassed by beachgoers as these highly sensitive animals seek a safe haven on Casa Beach during pupping season. Last year, despite protective barriers, residents were caught on video viciously harassing the animals--some of whom were apparently pregnant. These animals are just trying to survive and raise their families! Humans have razed wild coastal habitats and there are plenty of recreational beach areas available, so seal rookeries should be protected.

Please vote in support of the proposed resolution to prohibit public access to Casa Beach annually from December 15 to May 15. Banning these events would be good for animals as well as California's fragile ecosystems, and I respectfully ask you to implement a ban.

Sincerely,

Emma Lord

Law Offices of Bernard F. King III

A Professional Corporation
4747 Executive Drive, Suite 700, San Diego, California 92121
858-737-3046 | bking@bernardkinglaw.com

February 11, 2014

Via email

Members of the San Diego City Council
City Administration Building
202 C Street, MS #10A
San Diego, CA 9210

Council President Pro Tem Sherri Lightner
Email: sherrilightner@sandiego.gov

Councilmember Kevin Faulconer
Email: kevinfaulconer@sandiego.gov

Council President Todd Gloria
Email: toddgloria@sandiego.gov

Councilmember Myrtle Cole
Email: myrtlecole@sandiego.gov

Councilmember Mark Kersey
Email: markkersey@sandiego.gov

Councilmember Lorie Zapf
Email: loriezapf@sandiego.gov

Councilmember Scott Sherman
Email: scottsherman@sandiego.gov

Councilmember David Alvarez
Email: davidalvarez@sandiego.gov

Councilmember Marti Emerald
Email: martiemerald@sandiego.gov

Re: *February 24, 2014 Hearing on the La Jolla Children's Pool Beach Closure*

Dear Honorable Members of the San Diego City Council:

Friends of the Children's Pool submits this letter in opposition to the San Diego Park and Recreation Department's (the City's) application for an amendment to the La Jolla Community Plan/Local Coastal Program (LCP) to prohibit public access at the Children's Pool beach. We also oppose the City's application for adoption of the Negative Declaration Project No. 225045 sought in conjunction with the LCP amendment.

The City's application for approval of the LCP amendment and adoption of the negative declaration (collectively the "Beach Closure") should be rejected for the following reasons:

1. The Federal Government Opposes Beach Closure As Unnecessary

The City's proposed beach closure threatens to prohibit human access to the man-made Children's Pool beach donated to the people by Ellen Browning Scripps in 1931. Ostensibly, the City claims this is necessary to protect the seals from harassment by people.

The proposal is an overreaction to a problem that simply does not exist. If an epidemic of seal harassment was actually a problem, the City would be prosecuting ever increasing numbers of offenders under the anti-harassment ordinance. The reality, however, is that the City has not prosecuted even one single person for harassing seals. Instead of revealing a troubling pattern of harassment, the City's own enforcement record reveals that there are virtually zero problems with people harassing seals.

We are not the only ones who see beach closure as a misguided and unwarranted restriction. Indeed, the Federal agencies charged with enforcing Marine Mammal Protection Act ("MMPA"), i.e. the National Oceanic and Atmospheric Administration ("NOAA") and the National Marine Fisheries Service ("NMFS"), recently came to the same conclusion:

> [W]e do not believe that complete closure of Children's Pool Beach is necessary to protect the harbor seals from violations of the MMPA. The MMPA does not require that beaches be closed, or that people maintain any specific distance from the animals. … We do believe that pupping season is a particularly important time for ensuring that harbor seals are not impacted by human activities, but do not believe that complete closure of the beach is the only way of achieving that protection. … The ideal solution to this type of conflict is one of shared use — where the MMPA is complied with but no unnecessary restrictions are placed on other beach or ocean users.

(Letter dated January 2, 2014 from NOAA/NMFS Regional Administrator, Chris Yates, and attached hereto at Tab 1.)

When the agency responsible for protecting seals under the MMPA warns that beach closure is an unnecessary restriction on other beach and ocean users, the City should heed that warning. As the NMFS suggests, the City should instead focus on raising awareness and educating the public about how the MMPA promotes coexistence between people and marine mammals. Prohibiting public access to a manmade beach dedicated for recreational use is both unnecessary and counterproductive to these goals.

2. Beach Closure Violates The Public's Right to Coastal Access

The California Constitution ensures that "access to the navigable waters of this State shall be always attainable for the people thereof." (Cal. Const., art. X, § 4.) The Coastal Act states that in carrying out this constitutional requirement, "maximum access ... and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse." (Pub. Resources Code, § 30210.) The Coastal Act further provides, "Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation." (Pub. Resources Code, § 30211.) Development between the nearest public road and the sea must include a specific finding that it is in conformity with the Coastal Act's public access and recreation policies. (Pub. Resources Code, § 30604, subd. (c).)

The proposed beach closure is inconsistent with these policies because it will directly interfere with public access to the Children's Pool, which was acquired through use and legislative authorization. The result will be interference with the Coastal Act's further policies of protecting lower cost visitor and recreational facilities (Pub. Resources Code, § 30213), protecting water-oriented recreational activities (Pub. Resources Code, § 30220), and protecting oceanfront land for recreational use. (Pub. Resources Code, § 30251).

3. The Coastal Act Prohibits The City From Interfering With Legislatively Authorized And Well-Established Public Access To The Children's Pool Beach

The Coastal Act specifically and expressly prohibits any effort to interfere with public access to the sea where acquired through use or legislative authorization.

> **Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization**, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

(Pub. Resources Code, § 30211.) (emphasis added)

Not only has the public acquired access to the Children's Pool by continuous use over the past 80 years, but its access was also clearly authorized and protected by the Legislature. The statute granting the Children's Pool in trust to the City of San Diego (the "Trust") and the Constitution describe public access to the beach for fishing and other recreational activities as an "absolute right." As stated in the legislative grant:

(a) That said lands shall be devoted exclusively to public park, marine mammal park for the enjoyment and educational benefit of children, bathing pool for children, parkway, highway, playground and recreational purposes, and to such other uses as may be incident to, or convenient for the full enjoyment of such purposes.

(b) The absolute right to fish in the waters of the Pacific Ocean over said tidelands or submerged lands, **with the right of convenient access to said waters over said lands for said purpose is hereby reserved to the people of the State of California.**

(Section 1 of Chapter 937 of the Statutes of 1931, as amended.) (emphasis added) A copy of the Trust legislation granting the Children's Pool beach to San Diego is enclosed at Tab 2.

The Legislature not only authorized public access to Children's Pool beach, **it expressly guaranteed it**. Because the public acquired the right to access by use and legislative authorization, "development shall not interfere with the public's right of access to the sea." (Pub. Resources Code, § 30211.) For five months of the year, the City's proposed development bans the public from the beach, and thus unlawfully interferes with the public access rights protected by section 30211.

Section 30211 is not a statement of "policy" that must be balanced against other policies – it is a specific directive from the Legislature prohibiting development that interferes with preexisting public access rights. The public has those rights here and they deserve to be protected.

4. Beach Closure Violates City Charter Procedures for Decommissioning Land Dedicated for Park and Recreational Purposes

The Children's Pool beach was dedicated for park and recreational activities. Pursuant to Section 55 the City Charter, the proposed beach closure decommissions the Children's Pool beach as park land, and thus requires a ballot measure approved by two-thirds of the voters. At the first San Diego Planning Commission hearing on this matter, the City Attorney claimed that this was not a problem insofar as the Children's Pool had never been "dedicated" for park and recreational activities. That is simply untrue. The Children's Pool was dedicated for park and recreation purposes. A picture of the Dedication Ceremony, referenced in the Journal of San Diego History on the Children's Pool, is enclosed at Tab 3.

Moreover, the plain language of the Trust adequately dedicates the Children's Pool as a park. The general rule is that an intention to be manifested by an offer made in writing, orally, or by the owner's conduct. (*Union Trans. Co. v. Sacramento* (1954) 42 Cal.2d 235, 240.) Here, the Trust says, "to be forever held by [City] and its successors in trust for the uses and purposes and upon the express conditions following, to wit: [¶] (a) That said lands shall be devoted exclusively to public park, bathing pool for children, parkway, highway, playground and recreational purposes, and to such other uses as may be incident to, or convenient for the full enjoyment of, such purposes . . . ." The Fourth District Court of Appeal, Division One, recently affirmed the significance of the Trust language:

> Recognizing that a bathing pool for children existed on the land when the Trust was created and that the land was situated adjacent to a public park, and would be an extension of same, the legislative intent was clear. The entrusted land shall be used exclusively for a public park which includes a children's pool, and that the purpose of that use shall be recreational.

(*O'Sullivan v. City of San Diego* (2007) Court of Appeal, 4th Appellate Dist., Div. 1.)

The Trust leaves no doubt that the Legislature has dedicated the Children's Pool for park and recreational purposes. (See e.g., *Western Aggregates v. Yuba* (2002) 101 Cal.App.4th 278 [statute that provided "the right way for the construction of highways over public lands, not reserved for public uses, is hereby granted" sufficient to accomplish dedication].)

5. <u>Beach Closure Threatens the Safety of Divers and Swimmers</u>

The proposed beach closure presents a substantial risk to human life by denying divers and swimmers the safe entry and exit from the ocean. Ellen Browning Scripps specifically designed the breakwater to provide a safe place for people to swim after several swimmers drowned in the dangerous currents near what is now Children's Pool beach. The waters remain dangerous today, and adjacent beaches are still posted for dangerous rip currents. Attached at Tab 4 is the Declaration of Justin Schaefli, a local free diver, who explains why closing the Children's Pool is especially dangerous to lobster divers during the winter months.

6. Beach Closure Discriminates Against the Disabled

The Children's Pool is the only San Diego beach sheltered from the surf and available to swimmers with physical disabilities. This is especially true for those who use wheelchairs. Closing the only breakwater-protected beach to the disabled denies them an equal opportunity to enjoy the ocean. This is an unfair and unjust result for those who depend on this uniquely safe environment for ocean access.

7. The City Must Acquire a Site Development Permit to Close the Beach

The City is proposing to close public access to the Children's Pool beach for five months out of the year. This will involve placement of one or more barricades physically blocking access to the beach during this time. Under the Land Development Code, "a Site Development Permit decided in accordance with Process Five is required for…encroachments which are of sufficient public interest to warrant City Council approval." (SDMC §126.0503, subd. (e)(5).) Certainly, a barricade which blocks access to the beach is an encroachment under the Code. However, the City's Notice of Public Hearing makes no mention of a site development permit. Accordingly, any attempt to close the beach in the absence of a site development permit would violate the City's own Land Development Code. (See SDMC §126.0505.)

8. Beach Closure Violates CEQA

At the outset, we believe the City has materially amended the project and that a new initial study should be prepared, and the matter should be re-opened for public comment before the City gives further consideration to a new negative declaration.

Under CEQA, the City would be required to support this project with an environmental impact report ("EIR"). An exception to the EIR requirement is made when the lead agency issues a negative declaration after completing an adequate initial study into the potential environmental impacts. Here, the City has failed to undertake an adequate initial study as required by CEQA, and has ignored numerous indications that the project will have a significant environmental impact. Enclosed at Tab 5 is a letter sent by the San Diego Freedivers to the City on June 3, 2013 that explains these inadequacies. The San Diego Free Divers timely submitted this letter but the City did not include it in the Final Negative Declaration and failed to respond to any of its comments. We request the City respond to the comments in the letter as required by law prior to the hearing.

The City (which does not hesitate to require an EIR from private developers) is not above the law when it comes to CEQA. This is just as much of a fiscal issue as it is an

environmental one. Recently, the City was required to pay substantial attorney's fees after losing a lawsuit mandating that it perform an EIR with respect to the annual fireworks displays around the Fourth of July. The lesson from this case should be clear: It is better to solve the problem now, and prepare an EIR, than it is to charge forward with the project, and still have to prepare the same EIR after substantial and costly litigation.

9. Conclusion

For the foregoing reasons, the application for approval of the LCP amendment and adoption of the negative declaration should be denied.

Very truly yours,

Bernard F. King III

Cc: City Clerk (via email)

TAB 1

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

JAN - 2 2014

In response refer to:
151410SWR2013PR00014:CEY

Todd Gloria
Interim Mayor

Councilmembers
City of San Diego
202 C Street
San Diego, CA 92101

Dear Mayor Gloria and City of San Diego Councilmembers:

This letter provides comments from the West Coast Region of the National Marine Fisheries Service (NMFS) on the City of San Diego's (City) proposal to prohibit the public from entering the sandy area of Children's Pool Beach in La Jolla during harbor seal pupping season from December 15th through May 15th.

NMFS has communicated with the City for many years regarding pinnipeds at Children's Pool Beach, and has attempted to provide helpful guidance and scientific expertise to both the City and the various stakeholders. In this arena, our principle responsibility is to implement the Marine Mammal Protection Act (MMPA) and promote the conservation of marine mammal populations.

Unfortunately, our efforts to provide guidance on complying with the MMPA has not helped to diminish the human conflict that persists between various groups at Children's Pool Beach. It is unfortunate that the human conflicts overshadow what is a MMPA conservation success story that all should enjoy -- the population growth of harbor seals along our West coast. The ideal solution to this type of conflict is one of shared use – where the MMPA is complied with but no unnecessary restrictions are placed on other beach or ocean users.

Therefore, we want to clarify that we do not believe that complete closure of Children's Pool Beach is necessary to protect the harbor seals from violations of the MMPA. The MMPA does not require that beaches be closed, or that people maintain any specific distance from the animals. Rather, the MMPA generally prohibits the harassment, hunting, capturing, or killing of marine mammals. As these terms relate to the pinnipeds at Children's Pool, the primary concern is the harassment of these animals that could occur as a result of human activities. Harassment would be acts of pursuit, torment, or annoyance that have the potential to injure the animal(s) or disrupt natural behavior patterns.

Our attempts to reduce the likelihood of harassment of marine mammals by providing distance recommendations and other guidance have been interpreted by various interests as requiring or prohibiting certain actions, such as requiring people maintain set distances while observing the animals or swimming in the vicinity of the animals. In fact, the law does not mandate set distances. We do believe that pupping season is a particularly important time for ensuring that harbor seals are not impacted by human activities, but do not believe that complete closure of the beach is the only way of achieving that protection.

Our advice is that all individuals, communities, and governments be made aware of the prohibitions of the MMPA and take steps to reduce the possibility of harassing marine mammals wherever they are encountered in the wild. We encourage efforts to reach out to the public and affected communities to educate them about these animals and foster respect for the animals through responsible and safe viewing practices.

Also, we recommend the City review the pre-emption provisions of MMPA Section 109 (a), 16 U.S. Code Section 1379(a), as it makes decisions to addresses the conflicts at Children's Pool Beach.

If you have any questions, please contact me at 562-980-4007.

Sincerely,

Chris E. Yates
Assistant Regional Administrator for
Protected Resources

cc: California Coastal Commission Attn: Kanani Brown, Coastal Program Analyst

TAB 2

Senate Bill No. 428

CHAPTER 19

An act to amend Section 1 of Chapter 937 of the Statutes of 1931, relating to tide and submerged lands.

[Approved by Governor July 20, 2009. Filed with Secretary of State July 20, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

SB 428, Kehoe. Tide and submerged lands: San Diego.

Existing law grants to the City of San Diego all of the right, title, and interest of the state in and to a specified portion of the tide and submerged lands bordering on and situated below the ordinary high water mark of the Pacific Ocean, to be held by the City of San Diego and its successors in trust for specified uses and purposes pursuant to specified conditions, including that those tide and submerged lands are required to be devoted exclusively to public park, bathing pool for children, parkway, highway, playground, and recreational purposes, and for other uses that may be incidental to, or convenient for, the full enjoyment of those purposes.

This bill would include in that list of uses and purposes a marine mammal park for the enjoyment and educational benefit of children.

The people of the State of California do enact as follows:

SECTION 1. Section 1 of Chapter 937 of the Statutes of 1931 is amended to read:

Section 1. There is hereby granted to the City of San Diego, County of San Diego, all the right, title, and interest of the State of California, held by said state by virtue of its sovereignty, in and to all that portion of the tide and submerged lands bordering upon and situated below the ordinary high water mark of the Pacific Ocean described as follows:

Beginning at the intersection of the ordinary high water mark of the Pacific Ocean with a line bearing S. 87° 40' W. from the monument marking the intersection of Coast Boulevard South with Jenner Street as said monument, said Coast Boulevard South, and said Jenner Street are designated and shown on that certain map entitled "Seaside subdivision number 1712" and filed June 23, 1920, in the office of the county recorder of San Diego County, State of California; thence N. 350', thence E. 300', thence S. 185' more or less to the ordinary high water mark of the Pacific Ocean, thence in a general southwesterly direction along the ordinary high water mark of the Pacific Ocean to the point of beginning, all in the Pacific Ocean, State of California,

to be forever held by said City of San Diego and its successors in trust for the uses and purposes and upon the express conditions following, to wit:

(a) That said lands shall be devoted exclusively to public park, marine mammal park for the enjoyment and educational benefit of children, bathing pool for children, parkway, highway, playground and recreational purposes, and to such other uses as may be incident to, or convenient for the full enjoyment of such purposes.

(b) The absolute right to fish in the waters of the Pacific Ocean over said tidelands or submerged lands, with the right of convenient access to said waters over said lands for said purpose is hereby reserved to the people of the State of California.

(c) That there is excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land.

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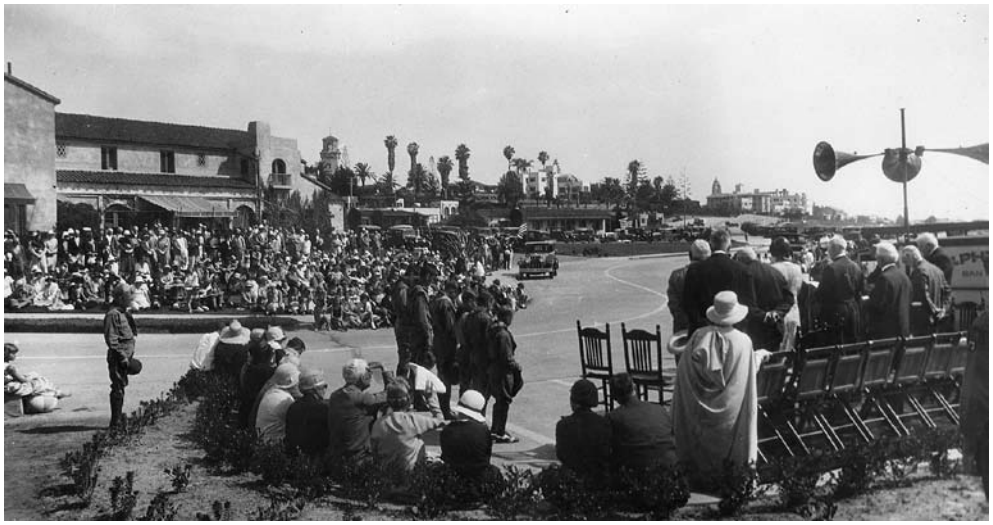
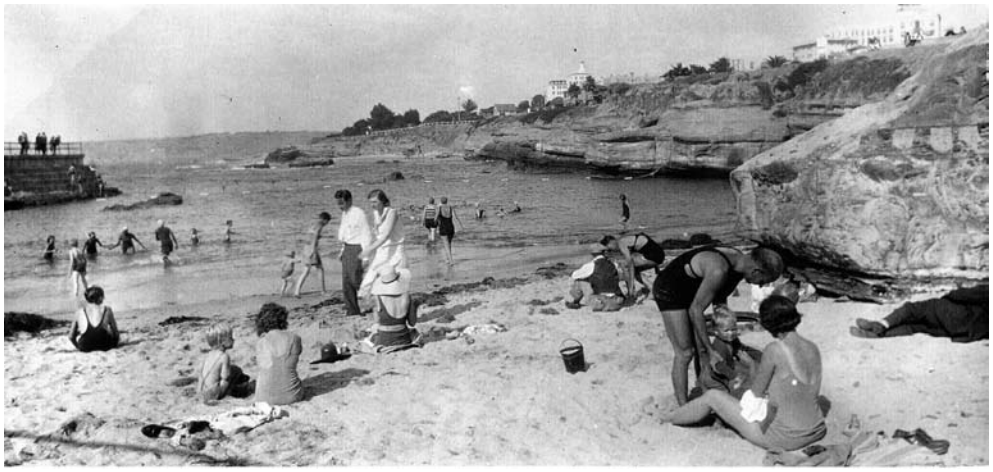
TAB 3



La Jolla residents sat on the grass in front of the Casa de Mañana for the May 31, 1931, dedication and ceremonial opening of the Children's Pool. Courtesy of the La Jolla Historical Society.

workers finished before April 4. Design alterations caused the project to go over deadline and over budget by approximately $4,000. However, the cosmetic changes clearly added to the visual appeal and safety of the breakwater.[40]

Outside of these slight modifications, Savage encountered only one obstacle during the final phase of construction. He noticed that the sand level of the pool constantly fluctuated with the ebb and flow of the tide. "A strong suction pull caused by the water running into the sluiceways and then receding" made it difficult for the pool to have an even sandbar. To remedy this problem, he decided



Children and adults enjoying a summer day at the Children's Pool in the 1930s. Courtesy of the La Jolla Historical Society.

to close the four wooden grillages. This prevented the sand in the pool from moving west through the sluiceways. On March 27, workers sealed the grillages. The pool's floor immediately lowered one and a half feet. Three days later, a sand beach formed at "the corner between the bluff and the inside of the breakwater,"

which Savage saw as beneficial "for children bathing in the pool." If it ever seemed desirable to reopen the gates, Savage proposed hand excavating the sluiceways at low tide and raising the frames and gates at low tide. After dealing with these obstacles, work was finally finished on the Children's Pool and it was ready for the public's use.[41]

"A Wonderful Improvement"

After extensive planning, a tedious permit/approval process, and construction filled with numerous delays and obstacles, Savage, Johnson, and Ledbetter eventually completed the Children's Pool on April 4, 1931. From the initial survey and design to the final work done by the contractor, the entire project took ten years.

On May 31, a celebration occurred at the breakwater to celebrate the accomplishment. Scripps was too ill to attend the celebration but Savage spoke in her place, reminding the audience of the difficulties involved in constructing the structure and the importance of the breakwater to the people of La Jolla. The ceremony featured speeches, a pantomime performance by La Jolla school children, and a concert by the San Diego Y.M.C.A. band.

The breakwater received tremendous support from members of the community. Judge John Kean described the project as "the most valuable of all Miss Scripps' benefits to La Jolla." Samuel Fox, representative to Mayor Walter Austin, believed that the breakwater would allow children "to enjoy without danger, the Ocean." The community's weekly paper, *La Jolla Journal*, called the idea a "wonderful and valuable improvement," and "a great asset to the community."[42]

The breakwater reflects the philanthropic legacy of Scripps and the dedication and work ethic of Savage. Its construction was an intensive undertaking that created a safer bathing area for children. It remains a durable and lasting structure on La Jolla's coast.

NOTES

1. The author thanks Dr. Molly McClain and the La Jolla Historical Society for their research assistance. "Work on Children's Swimming Bathing Pool in La Jolla Started," *La Jolla Journal*, September 18, 1930, 1.

2. Terry Rodgers, "Is Their Fate Sealed?" *San Diego Union Tribune,* October 22, 2005. In past years, seals came to the Children's Pool to birth and nurse pups between February and March. Recently, the number of seals has increased and inhabited the beach for longer periods of time. Environmental advocacy groups like the San Diego Sierra Club opposed the removal of the seals from the beach. For more information, see Kristina Hancock, "Turf Wars: The Seals of La Jolla, Public Trust Land and Animal Law," *San Diego Lawyer* (March/April 2006): 22-29; Hany Elwany, Reinhard Flick, Jean Nichols, and Anne-Lise Lindquist, "La Jolla Children's Pool: Beach Management and Water Quality Improvement Project," August 27, 1998, Scripps Institution of Oceanography Technical Report, http://repositories.cdlib.org/sio/techreport/20/ (accessed March 26, 2006).

3. Jeff Galyardt, letter to the editor, "Seals, Not Humans, Invaded the Children's Pool," *San Diego Union Tribune,* February 1, 2006; Alicia Booth, letter to the editor, "…And An Awful Stench," *San Diego Union Tribune*, March 2, 2006; Rebecca Stanger, letter to the editor, "Pool is for Seals, Not Bratty Adults," *San Diego Union Tribune,* December 8, 2005.

4. Rodgers, "City Council to Appeal Children's Pool Ruling," *San Diego Union Tribune,* September 28, 2005; Rodgers, "Children's Pool Ruling is Delayed," *San Diego Union Tribune,* November 9, 2005;

TAB 4

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SAN DIEGO COUNTY, CA

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SAN DIEGO

CENTRAL DIVISION

FRIENDS OF THE CHILDREN'S POOL, a California nonprofit public benefit corporation, Petitioner, v. CITY OF SAN DIEGO; and DOES 1 through 50, Respondents.	CASE NO: 37-2013-00034894-CU-WM-CTL DECLARATION OF JUSTIN P. SCHLAEFLI IN SUPPORT OF MOTION FOR A PRELIMINARY INJUNCTION **[IMAGED FILE]** Assigned to: Hon. Joel M. Pressman, Dept. C-66 Date: April 12, 2013 Time: 1:30 p.m. Dept.: C-66 Petition Filed: February 15, 2013

I, Justin P. Schlaefli, declare as follows:

1. I am currently a member of the Friends of the Children's Pool. I have been a long time resident of the City of San Diego in the State of California and currently reside in the County of San Diego in the State of California. I have personal knowledge of the facts I state below, and if I were to be called as a witness, I could competently testify about what I have written in this declaration.

2. I am currently an active recreational fisherman licensed by the State of California. I hold a valid "California Spiny Lobster Card" issued by the Department of Fish and Wildlife of the State of California. Over the past four years, my primary means of fishing

VIA FAX

have been freediving, scuba diving and spearfishing. I typically dive in the La Jolla area and frequent the Children's Pool area. Spearfishing is my primary means of recreation and provides a welcome source of fresh food for my family.

3. I have been swimming at the Children's Pool all my life but over the last few years the Pool has gained significant importance in my life. A combination of events and circumstances over the last few years has caused the Children's Pool specifically and the area surrounding the Pool to become the primary focus of my recreational activity as well as a significant source of nutrition for my family and friends.

4. When I started spearfishing several years ago, I spent quite a bit of time at Marine Street beach just south of the Children's Pool. My very first spearfishing experience was a night dive with my friends looking for various reef fish in La Jolla. Soon after, I was diving regularly and when lobster season came around, I was in the water almost weekly looking for a fresh meal. That winter, while lobster diving at night, I had a few incidents which caused me to re-evaluate my typical dive locations and safety. Marine Street beach is well known for a dangerous shore break. One night while returning to shore, I was caught in this shore break and slammed into the sand at the bottom of the ocean. I lost a significant portion of my dive gear (mask/ snorkel etc...) and most importantly, the power of the waves popped my buoyancy compensator causing me to sink and be held under by the power of the ocean close to shore. I was barely able to crawl out of the ocean gasping for air. After discussing the situation with friends and experienced divers, I found that this was a danger which should be avoided. This is particularly true in winter when the waves are typically much bigger and at night when it is difficult to see sets of waves and to "time" your exit from the ocean. As the City of San Diego website says about another La Jolla beach: "Much of the beach at Windansea experiences moderate to severe shore break, a condition on steep beaches which results in hard breaking surf right at the shoreline. Swimmers should enter and exit the water carefully to prevent potentially serious injury."

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5. In order to avoid "potentially serious injury" in the future as well as loss of expensive equipment, I searched for other beaches that were protected in various conditions. I found a few beaches further south and I found Children's Pool to the north. Children's Pool was an ideal location not only because of the significant protection provided by the sea wall but also easy access via stairs which served to avoid climbing over rocks and down cliffs with heavy gear. Further, Children's Pool has facilities making it the ideal location from which to shore dive. This is especially the case at night when the seawall provides a clear landmark when diving offshore. Since that time, Children's Pool has either become my primary dive location or my secondary "bailout" location when conditions get bad.

6. When spearfishing, I can spend many hours in the water. Over several hours, conditions can sometimes turn from marginal to dangerous. At those times, the Children's Pool serves as a refuge. The protected exit from the waves has saved my life on several occasions when other beaches are too dangerous to exit. Several of the adjacent beaches are impossible to use during certain times of the year and certain conditions where Children's Pool is accessible in any ocean condition.

7. The Children's Pool area is an extremely productive fishing area. The very first White Seabass I ever shot was right off Children's Pool and I have caught countless fish in the area over the years. Common species which can easily be found off Children's Pool include California Halibut, California Sheephead, California Spiny Lobster, Rock Scallops, Calico Bass, White Seabass, Yelllowtail, various species of rock fish and various species of Perch and other fish. I have even taken Lobster from inside the Pool itself. Species commonly caught at night include Lobster, rock fish and Halibut.

8. This past year, the Children's Pool became not just an important location for shore diving but became absolutely critical. The Children's Pool is now absolutely critical. Within the shoreline of the City of San Diego, there are only two areas where rocky reef and kelp forest habitat is found. This habitat can be found off of Point Loma and off of La Jolla. Point Loma is largely inaccessible from shore due to several factors. Point Loma is more

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exposed to swell and typically has worse visibility than La Jolla. Likewise, much of Point Loma is occupied by military lands, the Cabrillo National Monument, the City of San Diego wastewater treatment plant and the Point Loma Nazarene University. All of these areas are typically inaccessible to shore divers. La Jolla, on the other hand, is easily accessible for shore diving. However, on January 1, 2012, the State of California finally implemented the Marine Life Protection Act (MLPA). The MLPA created substantial new "Marine Protected Areas" which are largely or completely off-limits to fishing. In La Jolla, four new or expanded Marine Protected Areas were created. Near-shore, the new South La Jolla, State Marine Reserve was created south of Palomar Street in La Jolla and the expanded Matlahuayl, State Marine Reserve was created from Point La Jolla north to Black's Beach. Together, these Reserves restrict over 70% of the Community of La Jolla to fishing. Approximately five beaches in central La Jolla remain open to fishing. Of these beaches, only one has bathroom and shower facilities as well as a lifeguard station. That beach is the Children's Pool.

9. Therefore, the Children's Pool gained in significance as the opportunity to fish from shore diminished. The MLPA closures have forced many more fisherman into central La Jolla. Likewise, many boaters are concentrated in central La Jolla due to the closures as well. It is a significant danger to be diving from shore in the kelp off La Jolla. In the recent past, this danger has been much more pronounced. In the last year, I have had several close calls and even had my kelp float hit by a boat. With the lifeguard tower at the Children's Pool, boats typically give the area a wider berth and it provides a bit of a "safe zone" because boaters are more cautious about following the rules of the ocean around the lifeguard tower.

10. For these reasons, it has been my custom to take newer divers and friends from out-of-town to the Children's Pool in order to dive. When we dive, we avoid disturbing the seals at all costs and have at times either entered/exited the water via the "sea cave" to the side or climbed up the seawall to go to extraordinary lengths to avoid the seals. At all times, I have reminded other divers to avoid disturbing the seals. This has, on numerous occasions forced me to dive at other unplanned locations or in areas that are less safe. However, given a choice,

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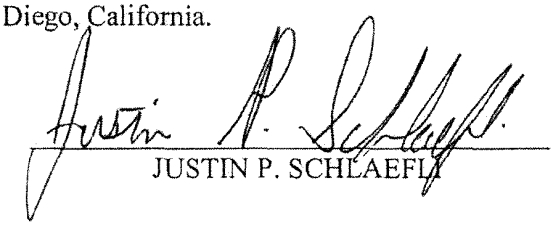
I almost always prefer to dive at the Children's Pool for the reasons stated above.

11. I learned last night that the City has issued an "emergency" permit that closes any access to the Children's Pool beach at night. This is not only a serious threat to the public's constitutional and statutory right to access the coast for fishing, but it is potentially life threatening. Should the Children's Pool be closed, even temporarily at night and especially during lobster season when nighttime dive activity is the greatest, I am fearful of the additional danger and potential harm which would result.

I declare under penalty of perjury under the laws of California and the United States of America that the foregoing is true and correct to the best of my knowledge and belief. Executed this 20th day of March 2013, in San Diego, California.



JUSTIN P. SCHLAEFLI

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TAB 5

San Diego Freedivers
825 South Coast Highway, #123
Oceanside, CA 92054

June 3rd, 2013

City of San Diego, Development Services Department
1222 First Avenue, MS 501
San Diego, CA 92101
Email: DSDEAS@sandiego.gov

COMMENTS ON CITY'S DRAFT NEGATIVE DECLARATION FOR CHILDREN'S POOL ESHA

The San Diego Freedivers would like to offer the following comments in the Draft Negative Declaration:

1. The project description is incomplete. A Site Development Permit will also be necessary for this action as discussed in previous memorandum from the City Attorney regarding the "rope barrier" project at the Children's Pool. Additionally, a public vote regarding the conversion of dedicated public park land to environmental habitat is required. These actions should be discussed as part of the project description in order to have a complete description of the actions being taken.

2. Under Item a. and c. in Aesthetics, the Children's Pool is one of the most photographed areas in La Jolla. Scenic Vistas of not only the ocean but also of the seawall, stairs, lifeguard tower, cliffs and scenery of La Jolla could be impacted through an access prohibition. Wildlife photographers who wish to photograph seals will have a much more difficult time and those who wish to photograph the historic seawall or stairs will find it impossible during the winter closure. A quick google search of children's pool photographs will show countless photographs taken from the beach level of the Children's Pool. This scenic vista from the beach level will now be prohibited. Page 46 of the La Jolla Community Plan shows the view corridor at the Children's Pool. Additionally, with regard to visual resources, the La Jolla Community Plan states on page 41, "The ability to observe the scenic vistas of the ocean, bluff and beach areas, hillsides and canyons, from public vantage points as identified in Figure 9 has, in some cases, been adversely affected by the clutter of signs, fences, structures or overhead utility lines that visually intrude on these resources". Since the project expressly contemplates additional signs, fences and structures, it is noteworthy that the Community Plan already recognizes that these items have adversely affected the scenery through an appearance of "clutter". The Community Plan specifically warns against the cumulative effect of such signage, fencing and structures creating an appearance of "clutter" and recognizes the viewshed at the Children's Pool. Although the Community Plan notes that views are "usually" from higher elevations, this is clearly not always the case and additional study is required to quantify the impact. By defining the views as ONLY from the bluff and seawall, this project sets a precedent which may cause development of other areas (including the cove) which might impact scenic vistas from existing parkland. Finally, the analysis specifically mentions that views from the seawall will be maintained and will remain accessible. However, this is not clear from the project description and this conclusion erroneously ignores the cumulative effect of other projects which do impact this view. Specifically, the existing emergency nighttime closure which was recently instituted by the City closes the seawall. This development in combination with the other proposed closure/ ESHA conversion would have an

impact which is cumulatively considerable and which the evaluation of "no impact" does not acknowledge. This impact clearly falls in the category of a "potentially significant impact".

3. Under Items a. b. and c. in Air Quality and item a. and b. in Greenhouse Gas emissions and all items under noise and all items under transportation/traffic: The conversion of uses at the Children's Pool from a public park to ESHA necessarily involves a change in human behavior as a result. Existing park users will be forced to other locations where impacts may occur and those wishing to view seals will be encouraged to visit an area of significant traffic congestion. Based on the information contained in the City's analysis of issue iv. of Public Services, "Based on these observational counts, visitors located at the sidewalk or breakwater range from a low of 20 to several hundred a day throughout pupping season. Visitors to the actual sandy beach area decrease. The counts indicate that the range is anywhere from 0 to the occasional high of 75-100, but on many days, few people access the beach during this time frame". A further perspective of historical use at the Children's Pool can be gained by reviewing the court decision found here: http://scholar.google.com/scholar_case?case=16363856055852250149&q=vallerie+o%27sullivan&hl=en&as_sdt=4,5
Based on City of San Diego, Trip Generation rates, a City park classified as a beach would be expected to generate 600 trips/ 1,000 feet of shoreline. Therefore, the count of 75-100 people (150-200 ADT) using the beach is approximately consistent and even exceeds the number of trips which would be expected using City standard rates (120 ADT for 200 feet of shoreline).
Assuming 150 ADT based on the City counts of beach-users, 150 ADT with 13 trips in the peak hour would be shifted to other beaches and roadways which are already impacted. Parking and roadway facilities at other beaches in the vicinity which would be expected to accommodate these people should be evaluated. The contribution of traffic to a congested area should be evaluated for potential air quality impacts. Additionally, the increase in traffic from the new/converted use of an ESHA/Marine mammal park should be evaluated to ensure adequate facilities and no air quality impacts from traffic. The most similar use to the proposed marine mammal park/ESHA would be the "Sea World" use found in the City's trip generation manual. This use generates 80 trips per acre versus the 60 trips per acre generated by a normal beach. The public areas for the beach and sidewalk of the Children's Pool appear to be around 1.5 acres which would yield 120 ADT. It should be noted that Coast Blvd. is a two-lane Collector street according to the Community Plan. The street has a capacity of 8,000 ADT. Based on City of San Diego significance thresholds for a congested roadway (i.e. LOS F), a project could generate up to 80 ADT without causing a significant impact on Coast Blvd. This could easily be calculated by determining how much traffic on a two lane collector road would cause a change of 0.01 to the volume to capacity (v/c) ratio. With a capacity of 8,000 ADT, a change of just 80 ADT could be significant. The primary traffic impacts from the creation and promotion (i.e. seal cam etc...) of an ESHA/Marine Mammal Park are reasonably foreseeable. Using the City's own counts of "up to several hundred a day throughout pupping season", as well as the City's own trip generation manual, it can be seen that the creation of an ESHA/Marine Mammal park generates more traffic than the beach uses. This change in traffic should be evaluated as it could be significant and unmitigable. Additionally, the shift in traffic from the proposed closure of the Children's Pool to other areas (up to 100 people per day based on the City's own counts) should be evaluated as a secondary effect of the closure. Adjacent public roads, parking and beaches could be impacted as the City's own significance criteria indicate the high likelihood of an impact. Impacts associated with the increased traffic and the shift of beach users should also be evaluated based on an actual traffic analysis including Air Quality, Greenhouse Gas and Noise. Future traffic growth and nearby "other projects" should be evaluated including the impact of the MLPA closures and establishment of nearby marine reserves, the lifeguard tower projects etc... Precedence setting should be evaluated including the potential for closure of other beaches due to the presence of

marine mammals. It should be noted that parking impacts have already been felt as a result of the planned conversion of the Children's Pool from a beach to a seal viewing area. Specifically, noted in the La Jolla Light (http://www.lajollalight.com/2013/05/29/clang-clang-trolley-coming-to-la-jolla/) tour operators are already having trouble finding parking and accessing the coast for seal viewing. As quoted in the article, "The difficulty, he said, has been finding a place near the Children's Pool or the Cove that would be safe to drop people off without causing traffic congestion". Therefore, it can clearly be seen that parking and congestion are already presenting problems for visitors, tour operators and residents. The evidence shows that this problem will be exacerbated in the future with the conversion of CP to an ESHA. This impact should be evaluated and plans to accommodate the traffic and the displaced beach users should be made.

4. Under items d and e. under Air Quality: It is well known and documented that birds and marine mammals have created pollution problems and objectionable odors in La Jolla. As discussed in news articles, the odors have developed because the City fenced in and closed off certain areas of the coastline. This is the same action contemplated with the establishment of an ESHA at the Children's Pool. At the La Jolla Cove and other areas of La Jolla, this action encouraged the establishment and growth of marine mammal colonies and the presence of a significant amount of birds and other marine life. As the newspaper reported about the objectionable odors, "it escalated after the city built a fence to keep the public off the rocks, allowing gulls and cormorants to gather in ever greater numbers". As a result, this high concentration of animal life led to odors and pollution which the Mayor determined, "It's a health and safety feature". The Mayor was forced to make an emergency finding under the MMPA to protect human health and safety. See news article: http://www.utsandiego.com/news/2013/may/29/tp-stench-neutralizer-tried-at-cove/all/?print. It is highly probable that the establishment of an ESHA with restricted access etc… will have the same result and will lead to air pollution and objectionable odors to the surrounding community. This potential impact must be analyzed and mitigation must be planned. A simple statement that the action "would not create objectionable odors" is sadly lacking in any evidence or analysis and ignores the history of such closures and restrictions along the adjacent coastline. Substantial evidence via news reports, findings from the Mayor etc… have established the high likelihood of this action causing significant impacts to air quality.

5. Under item a. of Biological Resources: The establishment of an ESHA will encourage the significant growth of Marine Mammal colonies in close proximity to two State Marine Reserves. The establishment and encouraged presence of these pinnipeds in a specific area could result in increased predation and impacts on fish and wildlife species both protected and receiving special status by the California Department of Fish and Wildlife as well as the US Fish and Wildlife Service. There is evidence of pinniped colonies in Washington having a significant effect on rockfish populations (including protected species). See the following: http://padillabay.gov/researchselectedbanks.asp. According to the research about seals, "These predators, therefore, have great potential to affect local fish stocks in the San Juan Islands and surrounding waters". This potential impact should be evaluated and mitigated if necessary.

6. Item a. under Cultural Resources: As discussed in the analysis of this item, "a substantial adverse change is defined as demolition, destruction, relocation, or alteration activites, which would impair historical significance". Clearly, conversion of the Children's Pool from a public park and beach area to an ESHA would be an alteration of the area. As further discussed in the City's analysis, "any historical resource listed in or eligible to be listed in the California Register of Historical Resources…. Is considered to be historically or culturally significant". The City's analysis confirms that the Children's Pool "is considered to be a California Register-

eligible historic resource". However, inexplicably, the analysis considers the alteration caused by the placement of signs and a rope barrier as well as the change in use from a park to an ESHA not to be an "alteration". As discussed in the CEQA guidelines, an alteration of a historical resource would be a substantial adverse change. The City's analysis does not consider the change in use from a public park to a habitat area as a substantial change. This is similar to changing Old Town State Park to a petting zoo. This alteration has a significant effect to the resource because it has the potential to damage it and it destroys the integrity of a unique resource. This impact should be acknowledged and mitigated to the extent possible. Project alternatives which would maintain the historic use of the Children's Pool should be explored in order to limit this impact. The Lifeguard plan is one such alternative which should be explored. The establishment and encouragement of a marine mammal reserve at the Children's Pool is acknowledged to bring signs, barriers and limits on human use. However, the lifeguard tower project, the addition of City and NOAA signs on the walls and stairways etc... all effect the visual character of the resource and can have a cumulative effect in destroying the unique historical and cultural resource. The cumulative impacts of the lifeguard tower, other signs associated with seal protection etc.... should also be examined. If appropriate, a sign program should be established to limit the impact to the historical resource caused by the alterations in use, demolition of the lifeguard tower and other activities which were not examined in the City's analysis.

7. Item g. in Hazards and Hazardous Materials: The proposed project will eliminate human access to the Children's Pool area. Currently, the City Lifeguards have a permanent lifeguard station at the Children's Pool and utilize the Pool for access to the water when making rescues. The lifeguards respond to emergencies routinely through the Children's Pool and undoubtedly have a response plan for emergencies at Children's Pool and adjacent beaches. Access for emergency response professionals at the Children's Pool should be addressed and examined to determine whether there will be an impact. Additionally, as discussed in the traffic comment, additional traffic, illegal parking and general congestion is likely to occur from the change in use at the Children's Pool. Access to and from the lifeguard tower should be maintained. On some days, lifeguards have been seen stuck in traffic on Coast Blvd. responding to emergencies. The additional congestion and illegal parking from buses and tour operators will affect the lifeguard response. This potential impact should be addressed and evaluated.

8. Item a. and f. in Hydrology and Water Quality: The Children's Pool has a long history of water pollution caused by seals. As previously discussed, the change in land use at the Children's Pool will likely cause an increase in the seal population. Last year, as the seal population overflowed from the Children's Pool to South Casa beach caused pollution problems at that beach (refer to the County Department of Health for information). As a result, the County posted warning signs at South Casa for the first time in recent memory. As the seal population increases as a result of the ESHA, these problems will increase. This impact to water quality should be evaluated. The significant increase in animal waste that is untreated and left on the sand to wash into the ocean should be examined for a potential impact. Alternative plans which may mitigate this impact should be explored. This includes the lifeguard plan which involves periodic beach cleaning and would be an improvement in this regard.

9. Item b. in Land Use and Planning: The La Jolla Community Plan/ Local Coastal Plan calls out the Children's Pool area as an important beach access and recreation area. This plan was adopted for the purpose of avoiding environmental effects. Changing the use of the Children's Pool (even for six months of the year) clearly conflicts with this plan. This is acknowledged by the City of San Diego which requires a Community Plan Amendment and an amendment to the Local Coastal Plan in order to implement this action. By definition, this action (which requires a change

in the Plan) therefore conflicts with the Plan. Although the proposed project may comply with several policies in the Plan, it also conflicts with several other policies. Specifically, some of the policies and goals (but not all) are:

- "Enhance existing public access to La Jolla's beaches and coastline areas (for example La Jolla Shores Beach and **Children's Pool areas**) in order to facilitate greater public use and enjoyment of these and other coastal resources".
- "The maximum use and enjoyment of La Jolla's shoreline is dependent upon providing safe and adequate public access to such major and special use recreational areas as La Jolla Shores Beach, Ellen B. Scripps Park, Coast Boulevard Park, Marine Street Park, Coast Walk, Windansea Beach, Calumet Park, Tourmaline Surfing Park and the Bird Rock tidepool areas".
- "This plan identifies two types of physical access: lateral (movement along the shoreline) and vertical (access to the shoreline from a public road). Public access at designated beach and shoreline points has been improved with the addition of stairways or ramps at certain points along the coastline including Tourmaline Surfing Park, Linda Way, Bird Rock Avenue, Windansea Park, La Jolla Strand Park, Jones Beach, Coast Boulevard Park, Shell Beach, Scripps Park, **Children's Pool** and La Jolla Shores Beach".
- "The City shall maintain, and where feasible, enhance and restore the shoreline areas such as Torrey Pines City Beach, Coast Walk, Emerald Cove, Wipeout Beach and Hospital Point, along with the areas of Scripps Park, Coast Boulevard Park, including Shell Beach and the **Children's Pool**, in order to benefit present and future residents and visitors to these areas (see Appendix G, Figures A through E)".
- "The City shall maintain, and where feasible, enhance and restore existing parking areas, public stairways, pathways and railings along the shoreline to preserve vertical access (to the beach and coast), to allow lateral access (along the shore), and to increase public safety at the beach and shoreline areas. No encroachment into the public right-of-way should be permitted within the Coastal Zone without a permit".
- "The City should ensure that new development does not restrict or prevent lateral vertical or visual access (as identified in Figure 9 and Appendix G) to the beach on property that lies between the shoreline and first public roadway, or to and from recreational areas and designated public open space easements. Further, in areas where physical vertical access to the shoreline does not exist within 500 feet of a private development project on the shoreline, consideration of a new accessway across private property should be analyzed".
- "The City should protect sites of significant archaeological, architectural and historical value within the residential and commercial areas of La Jolla for their scientific, education and heritage values"

The proposal to eliminate access at the Children's Pool clearly conflicts with the policies as well as the express language of the Local Coastal Plan/Community Plan. These policies were intended to mitigate and to limit impacts to public access as well as historical resources. The explicit language of the LCP/CP require access to be maintained at the Children's Pool. Therefore, the proposed change to an ESHA with limited human access very clearly conflicts with the applicable land use plan, policies etc… and has at a minimum a "potentially significant impact" which must be evaluated.

10. Items i., ii. and iv of Public Services and item a. and b. of Recreation: There is a long history at the Children's Pool. This history has demonstrated that the establishment of an ESHA with associated marine mammal colony etc… has impacts on lifeguard services (as partially discussed above), police protection and parks. The lifeguards are significantly impacted by the ESHA and

elimination of access at the Children's Pool. They are also impacted by the controversy surrounding the presence of Marine Mammals. Their resources along with the police department are constantly drawn upon to police the area and mediate disputes. The establishment of an ESHA with associated ordinance denying access to the Children's Pool necessitates enforcement. This will be carried out by lifeguards and/or police. This additional enforcement and investigations are a potentially significant draw on police resources. When the emergency closure of the beach was recently in effect, the police were forced to have a significant presence at the Children's Pool to enforce the new regulation. This had an effect on police protection in the La Jolla Community. This impact should be evaluated and addressed. Additional funding for law enforcement personnel may be necessary. Additionally, park facilities are clearly impacted. The removal of the Children's Pool from the available park land in the La Jolla community will have a measureable decrease in the available parkland in the community. Likewise, park resources are necessary to maintain a ranger, seal monitoring etc.... the Mayor proposes to use the "seal cam" to monitor conditions at the Children's Pool. He proposes spending $50,000 on the ongoing operation of this camera. This all represents a drain on park resources and budget. Additionally, forcing people to other park facilities could cause additional impacts which were not addressed in the City's analysis. Children's Pool is a very popular scuba diving location. Impacts to La Jolla Cove and La Jolla Shores will likely increase when these divers are forced to other areas. These impacts should be addressed. Please also refer to the related discussion of potential traffic impacts.

11. Item b. and c. under Mandatory Findings of Significance: As discussed above, there are several cumulative projects which should be considered in addition to the proposed project. These include but are not limited to: the Children's Pool lifeguard tower reconstruction project, the emergency beach closure, the year-round Children's Pool rope project, the MLPA south coast project (i.e. state marine reserves) etc.... These projects taken cumulatively have the potential to significantly impact beach access, traffic and many other impacts. These projects should be examined as probable "past, present and future projects" which may have a cumulative effect on La Jolla beaches and the Children's Pool. An MND is available for the lifeguard tower project and an EIR is available for the MLPA south coast project. It is probable that a "potentially significant impact" could be discovered. It is wholly inadequate and incorrect to say that the project "would not result in cumulatively considerable impacts". Also as discussed above, there are several potential impacts (e.g. traffic, parking, air quality, public resources, water quality etc...) which have not been adequately addressed. These could cause substantial adverse effects on human beings both directly **and** indirectly. The indirect effects of the project (i.e. increase in seal populations etc....) have not been addressed. The project's full effects, including the indirect effects caused by the change in land use should be addressed. Focusing on the barrier itself and two signs ignores the total effect of the change in land use and the change in the municipal code which are associated with the project's establishment of an ESHA with limited human access. The effect of the change in the Municipal Code and the resulting change in human activity has been completely ignored when preparing this ND. Therefore, it is completely inadequate as that is listed on the first page as a part of this action.

Thank you for considering these comments.

From:	Advocate on behalf of Veronica Hamilton
To:	CLK City Clerk
Subject:	Please Protect Seals by Supporting the Winter Closure of Casa Beach!
Date:	Friday, February 14, 2014 3:31:38 PM

Feb 14, 2014

City Clerk

Dear Clerk,

I was sickened to learn that seal families are being harassed by beachgoers as these highly sensitive animals seek a safe haven on Casa Beach during pupping season. Last year, despite protective barriers, residents were caught on video viciously harassing the animals--some of whom were apparently pregnant. These animals are just trying to survive and raise their families! Humans have razed wild coastal habitats and there are plenty of recreational beach areas available, so seal rookeries should be protected.

Please vote in support of the proposed resolution to prohibit public access to Casa Beach annually from December 15 to May 15. Banning these events would be good for animals as well as California's fragile ecosystems, and I respectfully ask you to implement a ban.

Sincerely,

Veronica Hamilton

From:	Advocate on behalf of Isadora Guimarães
To:	CLK City Clerk
Subject:	Please Protect Seals by Supporting the Winter Closure of Casa Beach!
Date:	Friday, February 14, 2014 3:34:15 PM

Feb 14, 2014

City Clerk

Dear Clerk,

I was sickened to learn that seal families are being harassed by beachgoers as these highly sensitive animals seek a safe haven on Casa Beach during pupping season. Last year, despite protective barriers, residents were caught on video viciously harassing the animals--some of whom were apparently pregnant. These animals are just trying to survive and raise their families! Humans have razed wild coastal habitats and there are plenty of recreational beach areas available, so seal rookeries should be protected.

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Sincerely,

Isadora Guimarães

From:	Armando Flores
To:	Councilmember Sherri Lightner; CouncilMember Kevin Faulconer; Councilmember Todd Gloria; Councilmember Myrtle Cole; Councilmember Mark Kersey; CouncilMember Lorie Zapf; Councilmember Scott Sherman; CouncilMember David Alvarez; CouncilMember Marti Emerald
Cc:	CLK City Clerk; CLK Hearings
Subject:	Please Support Closure of Casa Beach During Harbor Seal Pupping Season
Date:	Thursday, February 13, 2014 10:31:39 PM

Dear San Diego City Council,

Please support winter seasonal closure at Casa Beach during harbor seal pupping season, December 15 to May 15 annually.

Closing this beach during pupping season will protect seal mothers and newborn seal pups from human harassment. Unfortunately, harassment and encroachment from people often result in the seals flushing into the water, which causes them to expend energy needlessly while preventing them from gaining the benefits of hauling out. When pups are on the beach, they can be injured or even killed by stampeding adult seals.

Biologists have observed that the presence of people on the beach near the hauled out seals typically results in large numbers of seals flushing. By prohibiting the public from entering the beach, flushing incidents will be vastly reduced, thus preventing premature births, abandoned seal pups and increased pup mortality. An abandoned harbor seal pup cannot survive without its mother.

For all of these reasons, it is imperative that you vote to protect the La Jolla Seals by approving the seasonal closure of Casa Beach.

Sincerely,

Armando Flores

From:	Advocate on behalf of Tania Edwards
To:	CLK City Clerk
Subject:	Please Protect Seals by Supporting the Winter Closure of Casa Beach!
Date:	Friday, February 14, 2014 3:33:31 PM

Feb 14, 2014

City Clerk

Dear Clerk,

I was sickened to learn that seal families are being harassed by beachgoers as these highly sensitive animals seek a safe haven on Casa Beach during pupping season. Last year, despite protective barriers, residents were caught on video viciously harassing the animals--some of whom were apparently pregnant. These animals are just trying to survive and raise their families! Humans have razed wild coastal habitats and there are plenty of recreational beach areas available, so seal rookeries should be protected.

Please vote in support of the proposed resolution to prohibit public access to Casa Beach annually from December 15 to May 15. Banning these events would be good for animals as well as California's fragile ecosystems, and I respectfully ask you to implement a ban.

Sincerely,

Tania Edwards

From:	Advocate on behalf of Gabriella Diaz
To:	CLK City Clerk
Subject:	Please Protect Seals by Supporting the Winter Closure of Casa Beach!
Date:	Friday, February 14, 2014 3:31:04 PM

Feb 14, 2014

City Clerk

Dear Clerk,

I was sickened to learn that seal families are being harassed by beachgoers as these highly sensitive animals seek a safe haven on Casa Beach during pupping season. Last year, despite protective barriers, residents were caught on video viciously harassing the animals--some of whom were apparently pregnant. These animals are just trying to survive and raise their families! Humans have razed wild coastal habitats and there are plenty of recreational beach areas available, so seal rookeries should be protected.

Please vote in support of the proposed resolution to prohibit public access to Casa Beach annually from December 15 to May 15. Banning these events would be good for animals as well as California's fragile ecosystems, and I respectfully ask you to implement a ban.

Sincerely,

Gabriella Diaz

From:	Sara Ohara
To:	Councilmember Sherri Lightner; CouncilMember Kevin Faulconer; Councilmember Todd Gloria; Councilmember Myrtle Cole; Councilmember Mark Kersey; CouncilMember Lorie Zapf; Councilmember Scott Sherman; CouncilMember David Alvarez; CouncilMember Marti Emerald; CLK City Clerk; CLK Hearings
Subject:	Casa Beach
Date:	Friday, January 31, 2014 7:20:27 PM

Interim Mayor Todd Gloria and Members of the City Council
City of San Diego
202 C Street, 10th Floor
San Diego, CA 92101

Dear Interim Mayor Gloria and Members of the City Council:

I support closing Casa Beach in La Jolla during the five months of harbor seal pupping season between December 15 and May 15. As you know, the Federal Marine Mammal Protection Act and the San Diego Municipal Code protect wildlife at this location.

Of the 17 mainland seal rookeries in California, only Casa Beach and Bolinas Lagoon in Marin County have no access restrictions during pupping season.

Closing this beach during pupping season will protect seal mothers and newborn seal pups from human harassment. Unfortunately, harassment and encroachment from people results in premature births, abandoned pups and increased pup mortality. An abandoned harbor seal pup cannot survive without its mother.

It is for these reasons that I encourage you to close Casa Beach during the critical months of seal pupping season.

Thank you ALL for all you do for our fine city!

Sincerely,

Sara Ohara

From:	Advocate on behalf of Dr. Benjamin Burton
To:	CLK City Clerk
Subject:	Please Protect Seals by Supporting the Winter Closure of Casa Beach!
Date:	Friday, February 14, 2014 3:31:14 PM

Feb 14, 2014

City Clerk

Dear Clerk,

I was sickened to learn that seal families are being harassed by beachgoers as these highly sensitive animals seek a safe haven on Casa Beach during pupping season. Last year, despite protective barriers, residents were caught on video viciously harassing the animals--some of whom were apparently pregnant. These animals are just trying to survive and raise their families! Humans have razed wild coastal habitats and there are plenty of recreational beach areas available, so seal rookeries should be protected.

Please vote in support of the proposed resolution to prohibit public access to Casa Beach annually from December 15 to May 15. Banning these events would be good for animals as well as California's fragile ecosystems, and I respectfully ask you to implement a ban.

Sincerely,

Dr. Benjamin Burton

From:	Advocate on behalf of Katie Brown
To:	CLK City Clerk
Subject:	Please Protect Seals by Supporting the Winter Closure of Casa Beach!
Date:	Friday, February 14, 2014 3:31:56 PM

Feb 14, 2014

City Clerk

Dear Clerk,

I was sickened to learn that seal families are being harassed by beachgoers as these highly sensitive animals seek a safe haven on Casa Beach during pupping season. Last year, despite protective barriers, residents were caught on video viciously harassing the animals--some of whom were apparently pregnant. These animals are just trying to survive and raise their families! Humans have razed wild coastal habitats and there are plenty of recreational beach areas available, so seal rookeries should be protected.

Please vote in support of the proposed resolution to prohibit public access to Casa Beach annually from December 15 to May 15. Banning these events would be good for animals as well as California's fragile ecosystems, and I respectfully ask you to implement a ban.

Sincerely,

Katie Brown

From:	emily admin on behalf of emily@gibsonintl.com
To:	Councilmember Sherri Lightner; CouncilMember Kevin Faulconer; Councilmember Todd Gloria; Councilmember Myrtle Cole; Councilmember Mark Kersey; CouncilMember Lorie Zapf; Councilmember Scott Sherman; CouncilMember David Alvarez; CouncilMember Marti Emerald; CLK City Clerk; CLK Hearings
Subject:	casa beach/childrens pool
Date:	Thursday, February 13, 2014 4:12:58 PM
Attachments:	image001.png

Dear Interim Mayor Gloria and Members of the City Council:

I support closing Casa Beach in La Jolla during the five months of harbor seal pupping season between December 15 and May 15. As you know, the Federal Marine Mammal Protection Act and the San Diego Municipal Code protect wildlife at this location.

Of the 17 mainland seal rookeries in California, only Casa Beach and Bolinas Lagoon in Marin County have no access restrictions during pupping season.

Closing this beach during pupping season will protect seal mothers and newborn seal pups from human harassment. Unfortunately, harassment and encroachment from people results in premature births, abandoned pups and increased pup mortality. An abandoned harbor seal pup cannot survive without its mother.

I grew up in La Jolla and never once swam in the children's pool nor did anyone else I know. This place is a global gem and we should be doing everything we possibly can to keep it going and keep those creatures healthy.

It is for these reasons that I encourage you to close Casa Beach during the critical months of seal pupping season.

Sincerely,

Emily Brown
Gibson International

DRE# 01901850

From:	Armando
To:	Councilmember Sherri Lightner; CouncilMember Kevin Faulconer; Councilmember Todd Gloria; Councilmember Myrtle Cole; Councilmember Mark Kersey; CouncilMember Lorie Zapf; Councilmember Scott Sherman; CouncilMember David Alvarez; CouncilMember Marti Emerald
Cc:	CLK City Clerk; CLK Hearings
Subject:	Please Support Closure of Casa Beach During Harbor Seal Pupping Season
Date:	Wednesday, February 12, 2014 2:41:05 PM

Dear San Diego City Council,

Please support winter seasonal closure at Casa Beach during harbor seal pupping season, December 15 to May 15 annually.

Closing this beach during pupping season will protect seal mothers and newborn seal pups from human harassment. Unfortunately, harassment and encroachment from people often result in the seals flushing into the water, which causes them to expend energy needlessly while preventing them from gaining the benefits of hauling out. When pups are on the beach, they can be injured or even killed by stampeding adult seals.

Biologists have observed that the presence of people on the beach near the hauled out seals typically results in large numbers of seals flushing. By prohibiting the public from entering the beach, flushing incidents will be vastly reduced, thus preventing premature births, abandoned seal pups and increased pup mortality. An abandoned harbor seal pup cannot survive without its mother.

For all of these reasons, it is imperative that you vote to protect the La Jolla Seals by approving the seasonal closure of Casa Beach.

Sincerely,

Sent from my iPhone

From:	Armando
To:	Councilmember Sherri Lightner; CouncilMember Kevin Faulconer; Councilmember Todd Gloria; Councilmember Myrtle Cole; Councilmember Mark Kersey; CouncilMember Lorie Zapf; Councilmember Scott Sherman; CouncilMember David Alvarez; CouncilMember Marti Emerald
Cc:	CLK City Clerk; CLK Hearings
Subject:	Please Support Closure of Casa Beach During Harbor Seal Pupping Season
Date:	Wednesday, February 12, 2014 2:40:59 PM

Dear San Diego City Council,

Please support winter seasonal closure at Casa Beach during harbor seal pupping season, December 15 to May 15 annually.

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Sincerely,

Sent from my iPhone

From:	Armando
To:	Councilmember Sherri Lightner; CouncilMember Kevin Faulconer; Councilmember Todd Gloria; Councilmember Myrtle Cole; Councilmember Mark Kersey; CouncilMember Lorie Zapf; Councilmember Scott Sherman; CouncilMember David Alvarez; CouncilMember Marti Emerald
Cc:	CLK City Clerk; CLK Hearings
Subject:	Please Support Closure of Casa Beach During Harbor Seal Pupping Season
Date:	Wednesday, February 12, 2014 2:41:12 PM

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Sincerely,

Sent from my iPhone

From:	Armando
To:	Councilmember Sherri Lightner; CouncilMember Kevin Faulconer; Councilmember Todd Gloria; Councilmember Myrtle Cole; Councilmember Mark Kersey; CouncilMember Lorie Zapf; Councilmember Scott Sherman; CouncilMember David Alvarez; CouncilMember Marti Emerald
Cc:	CLK City Clerk; CLK Hearings
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Sincerely,

Sent from my iPhone

From:	Lynn Wilson
To:	Councilmember Sherri Lightner; CouncilMember Kevin Faulconer; Councilmember Todd Gloria; Councilmember Myrtle Cole; Councilmember Mark Kersey; CouncilMember Lorie Zapf; Councilmember Scott Sherman; CouncilMember David Alvarez; CouncilMember Marti Emerald; CLK City Clerk
Subject:	Please Support Closure of Casa Beach During Harbor Seal Pupping Season
Date:	Sunday, February 09, 2014 12:49:33 PM

Dear San Diego City Council: Please support winter seasonal closure at Casa Beach during harbor seal pupping season, December 15 to May 15 annually.