



**CITY OF SAN DIEGO  
COUNCILMEMBER SHERRI S. LIGHTNER  
DISTRICT ONE**

**MEMORANDUM**

DATE: March 25, 2010 DTID: SL1003-004

TO: Councilmember Donna Frye  
Councilmember Carl DeMaio  
Councilmember Marti Emerald

FROM: Councilmember Sherri S. Lightner 

SUBJECT: De-escalating Children's Pool

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As the elected representative for District 1, and an 18-year resident of La Jolla, I have studied the Children's Pool issue carefully and met countless times with members of the affected community to understand their feelings and concerns about the future management of the Children's Pool.

The direction now being suggested by some Natural Resources and Culture Committee members—temporarily closing Children's Pool to the public to appease one faction in this long-standing community debate—is certain to lead to litigation and unnecessary costs to our City.

I am proposing a solution that I believe will resolve the basic issues, will do no harm to our City, and which I believe, as the representative of District 1, will have the best chance of gaining widespread support among the residents in the community most affected by this issue.

First let me spell out some basic facts about the Children's Pool that are not in dispute:

- In 2004, the City Council adopted a policy of "joint use" of the Children's Pool to allow the seals to continue to haul out on this beach and to also maintain public access to the beach.
- The City spent considerable time in court and in Sacramento to ensure that the City Council policy of "joint use" of the Children's Pool could continue. As the result of legislation carried by State Senator Christine Kehoe and Assemblymember Nathan Fletcher allowing the seals to remain at Children's Pool, which took effect on January 1, 2010, as well as a subsequent Superior Court decision on November 13, 2009 that the City need not remove the seals, the status quo of "joint use" was maintained.
- As a result of that 2009 court ruling, no action is required of the City Council. Nor has the City Attorney recommended that we take any action.

- Since 2006, the City has had a Coastal Development Permit from the California Coastal Commission which allows the City to place a guideline rope barrier at the Children's Pool during pupping season from December 15 to May 15.
- There is no evidence that any seal has ever been harmed at Children's Pool by citizens using the area under the "joint use" policy. Nor is there any evidence that any group intends to harm the seals.
- There is no evidence that any citizen seeking access to the water at Children's Pool has ever been denied access by a seal, or by the seasonal rope barrier that designates a seal pupping area.
- The adopted City Council policy of "joint use" protects the seals, ensures public access to the water, and does not cost the City any money.

As these facts make clear, the problem the City has at Children's Pool is not a seal problem. It is a people problem. Years of litigation and Police calls for service to the Children's Pool have cost taxpayers millions of dollars. We are finally at a point where the City is no longer in litigation, and the state law allowing the seals to remain on the beach has helped to calm tensions between seal activists and beachgoers.

To anyone who would propose taking the costly and inflammatory step of closing a public beach to public use, I would ask this question: "What problem are we attempting to solve, and is it possible we may be creating a problem where none exists currently?" This question has never been answered to my satisfaction.

The "people problem" at Children's Pool is twofold:

1. Citizens who want to use the pool in a lawful and respectful manner feel they are being wrongly harassed by people who are there to protect the seals.
2. Citizens who are there to protect the seals feel that, without their vigilance, bad things might happen to the seals.

I propose to address these problems in the following fashion:

1. Seek private funding for a park ranger or lifeguard position whose primary duty would be to patrol Children's Pool. This individual would be responsible for ensuring that the existing City Council policy of "joint use" is followed by all visitors to Children's Pool. This individual would also develop protocol in consultation with the Police Department and Lifeguard Service.
2. Authorize the Park and Recreation Department or Lifeguard Service to create a volunteer docent program, led by this park ranger or lifeguard, that would enlist civic-minded citizens to inform and instruct the public on the City's "joint use" policy at Children's Pool.

I believe the presence of a City ranger or lifeguard, coupled with the volunteer docent program, involving citizens who are trained and screened by the City, will alleviate the two "people problems" at Children's Pool. The people who want to protect the seals will be relieved of the need to constantly monitor Children's Pool to personally ensure the seals' safety. The people who access the water at Children's Pool will have verification of their lawful behavior, and correction or enforcement if their actions violate any of the laws protecting the seals. In addition, newcomers to the Children's Pool will have an impartial and informed person to advise them on their activities.

I propose that the Natural Resources and Culture Committee suspend any further action on the Children's Pool for 90 days so my office can explore this approach to the Children's Pool issue with community members and City staff. As the representative of District 1, I will engage the community in dialogue concerning this issue, which has a profound effect on La Jolla.

Thank you for your consideration.

cc: Mayor Jerry Sanders  
Honorable Councilmembers  
City Attorney Jan Goldsmith  
Jay Goldstone, Chief Operating Officer  
Stacey LoMedico, Director of Park and Recreation  
Chief William Lansdowne, San Diego Police Department  
Chief Javier Mainar, San Diego Fire-Rescue