

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 OceanGate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



Filed: 10/16/08
49th Day: 12/04/08
180th Day: 4/14/09
Staff: Al Padilla-LB
Staff Report: 3/17/09
Hearing Date: 4/8-10/09
Commission Action:

W17b

STAFF REPORT: REGULAR CALENDAR

APPLICATION NUMBER: 5-08-284

APPLICANT: Santa Monica Mountains Conservancy

AGENT: April Verbanac

PROJECT LOCATION: 15601 Sunset Boulevard, Pacific Palisades, City of Los Angeles

PROJECT DESCRIPTION: To permanently authorize the construction allowed under emergency permit 5-09-007-G for abandonment of an existing 45' by 75' public swimming pool in Temescal Gateway Park. The pool will be filled with approximately 650 cubic yards of engineered fill, utility lines abandoned, and the fill area landscaped and used as a public picnic area.

LOCAL APPROVALS RECEIVED: Santa Monica Mountains Conservancy Board Approval

SUMMARY OF STAFF RECOMMENDATION:

Staff recommends the Commission **APPROVE** the proposed development with no special conditions. As submitted, the proposed project will be consistent with the Chapter 3 policies of the Coastal Act.

I. STAFF RECOMMENDATION:

MOTION: *I move that the Commission approve Coastal Development Permit No. 5-08-284 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS: None

IV. FINDINGS AND DECLARATIONS:

The Commission hereby finds and declares:

A. Project Description and Location

The applicant, Santa Monica Mountains Conservancy, requests a permit to permanently authorize the construction allowed under emergency permit 5-09-007-G for abandonment of a 45 foot by 75 foot swimming pool by filling in the pool with approximately 650 cubic yards of imported engineered fill (see Exhibit No. 4). The project involves disconnecting water and electrical service; plugging the pool drain; puncturing the bottom of the pool's shell to allow for proper drainage once filled; installation of sod to prevent erosion; and maintenance of the existing surface drains around pool area. The pool deck, pool house and maintenance/equipment building, and paved parking area will remain until long term plans for the site have been developed and all necessary approvals and permits obtained. The filled pool area will be used as a picnic area for the park.

The pool is located in the Santa Monica Mountains Conservancy's Temescal Gateway Park, located approximately a mile from Will Rogers State Beach, and a ¼ mile north of the intersection of Temescal Canyon Road and Sunset Boulevard, in the Pacific Palisades area of the City of Los Angeles. The park consists of approximately 140-acres of oak and sycamore canyons, public trails and passive landscaped park. Park amenities include, picnic tables and grassy areas, restrooms, a camp store, meeting rooms, an auditorium, classrooms, and parking.

Until June 2008, the swimming pool facility had been leased to the YMCA by the previous property owner (Presbyterian Synod). However, due to the deteriorated condition of the pool, the pool has remained closed since February 2008 and the Conservancy has decided not to allocate funds for repairs, which are estimated to cost approximately \$400,000.

According to the applicant, the empty pool poses a hazard and is a potential public liability. Minor hazards include vector problems with rats and mosquitoes, and vandalism. Other potential issues include increased sedimentation caused by cracks and water infiltration, and "floating" of the empty pool shell due to hydrostatic pressure. Once filled, ponding will be eliminated, water infiltration will be reduced and outside pressure on the pool shell, which could contribute to additional cracking, will not pose a problem.

Existing uses that surround the park include single-family and multiple-family residential development along the west and east rims of the canyon and along Sunset Boulevard, a high school located across Sunset Boulevard directly to the southwest, and Topanga Canyon State Park to the north.

The project was scheduled to be reported to the Commission as a Waiver at the January 2009 Commission hearing, however, the applicant requested a postponement to provide the public an additional hearing in front of the Conservancy's Board. Following the Board hearing, the applicant requested that the item be rescheduled for the next available Commission hearing. However, due to the delay that would be caused by scheduling the item for the next local hearing and the deteriorated condition of the empty pool, at the request of the applicant, it was determined by the Executive Director of the Commission that there was an immediate public hazard, therefore, the applicant was granted an emergency permit (5-09-007-G) to fill the pool, and the pool was subsequently filled.

Since the submittal of the coastal development permit application, the South Coast District office has received over 60 form letters from residents and a group named, "Friends of Temescal Pool", that are opposed to the closure of the swimming pool. Issues raised in the letters include, loss of an affordable community pool and negative traffic impact due to need for residents to travel to other pools. A sample of the letters received has been included as Exhibit No. 5 & 6.

B. Public Access and Recreational Resources

Section 30213 of the Coastal Act states, in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30220 of the Coastal Act:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30223 of the Coastal Act:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

The project site is located approximately ¼ mile north of the intersection of Temescal Canyon Road and Sunset Boulevard, in Temescal Gateway Park. The park property provides public access and recreational opportunities, such as hiking and biking, and provides access, via public hiking trails, to Topanga State Park located further to the north.

The YMCA operated and maintained the swimming pool for swimming programs, and shared the pool with the Conservancy for their programs. The Palisades-Malibu YMCA's main facility is located on Via del la Paz, just over a ¼ mile southeast of the park. The pool was also opened to the general public.

Opposition to the filling of the pool indicates that the loss of the pool will create a hardship to those living in the area and that enjoyed the use of the pool, since the pool is the only pool available to the public in the immediate vicinity. Although the pool provided a recreational activity for the neighborhood, similar to municipal pools found in City parks, or pools owned and operated by private facilities, such as the YMCA, this pool, located within a 140 acre outdoor regional park, does not represent a coastal recreational use that is required to be protected under the Coastal Act. The pool was one of many public recreational activities provided by Temescal Gateway Park, which in itself is a lower cost recreational facility. Although the pool will no longer provide recreational swimming activities to the public, the 140 acre park will continue to provide public recreation, such as picnicking, hiking, and other passive recreation opportunities and will continue to operate as a lower cost recreational facility consistent with Section 30213, 30220 and 30223. Opponents further state that the closure will generate additional traffic on the streets due to the need to drive to other pool locations; however, there has not been any evidence submitted to substantiate this claim and how this would adversely impact coastal access. Therefore, the proposed development is consistent with Sections 30213, 30220 and 30223 of the Coastal Act.

C. Environmentally Sensitive Habitat Areas

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Temescal Canyon is identified as a Significant Ecological Area by the County of Los Angeles (Los Angeles County Significant Ecological Areas Study, 1976). According to the study, the canyon contains dry chaparral and coastal sage scrub plant communities, and riparian communities along the bottom of the canyon, which contains a blue-line stream. Temescal Gateway Park is developed with parking lots, information kiosks, restrooms, picnic areas, trails, a swimming pool, nature facility, conference facility, and other structures.

The existing pool, constructed approximately in 1956, is located on a graded pad, supported on the downslope side by an artificial fill slope. Access to the pool area is via a graded and asphalt paved road. The pool facility is completely surrounded by the paved parking lot and

access road. The pool is situated along the eastern side of the canyon and over 300 feet from the blue-line stream and riparian area.

Construction access to fill the pool with engineered fill material will be via the existing main Park road and pool access road. Once filled, the area will be landscaped to minimize water infiltration and reduce sedimentation runoff. As proposed the development will be limited to the existing developed pool area and will not have a significant impact on any environmentally sensitive habitat areas within the canyon. Therefore, as proposed the project is consistent with Section 30240 of the Coastal Act.

D. Local Coastal Program

Section 30604 (a) of the Coastal Act states that:

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).

The City of Los Angeles has not prepared a draft Land Use Plan for this planning subarea. Approval of the proposed development, as submitted, will be consistent with the policies in Chapter 3 of the Coastal Act and, therefore, will not prejudice the City's ability to prepare a certifiable Local Coastal Program. The Commission, therefore, finds that the proposed project is consistent with the provisions of Section 30604 (a) of the Coastal Act.

E. California Environmental Quality Act

Section 13096 of the California Code of Regulations requires Commission approval of a Coastal Development Permit application to be supported by a finding showing the application to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

As proposed, the project would not have any significant adverse environmental effects and there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

Grover-Hollingsworth and Associates, Inc.
 Geotechnical Consultants

BY SMW DATE 5/08

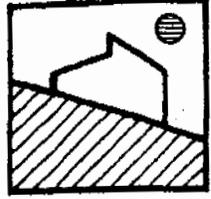
PALISADES/
 CLIENT MALIBU YMCA

REF. LOS ANGELES COUNTY

GH 13925-G

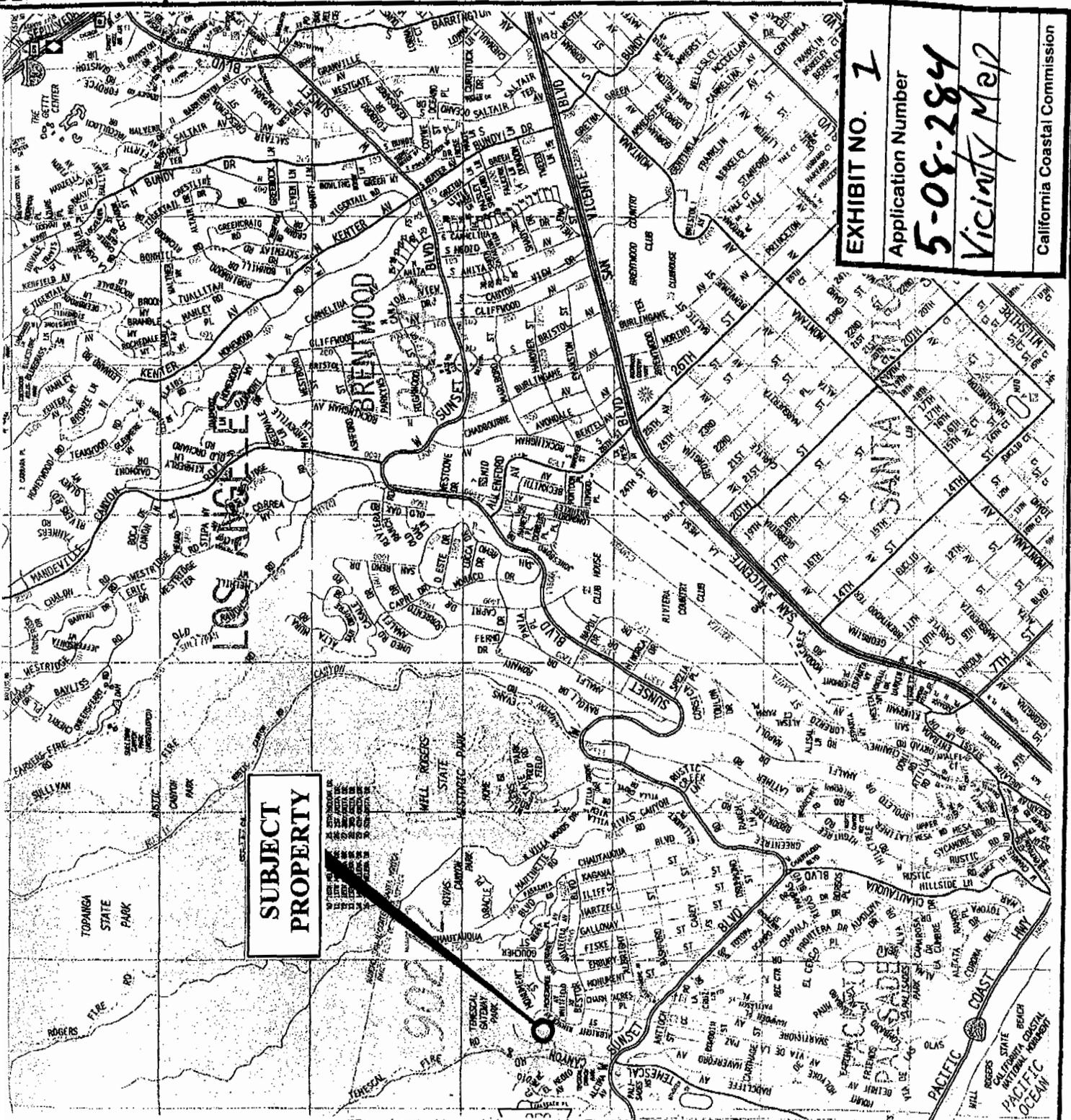
THOMAS GUIDE PAGE 631

SUBJECT VICINITY MAP



DB

EXHIBIT NO. 1
Application Number 5-08-284
Vicinity Map
California Coastal Commission



"Reproduced with permission granted by THOMAS BROS. MAPS. This map is copyrighted by THOMAS BROS. MAPS. It is unlawful to copy or reproduce all or any part thereof, whether for personal use or resale, without permission."

EXHIBIT NO. 2

Application Number

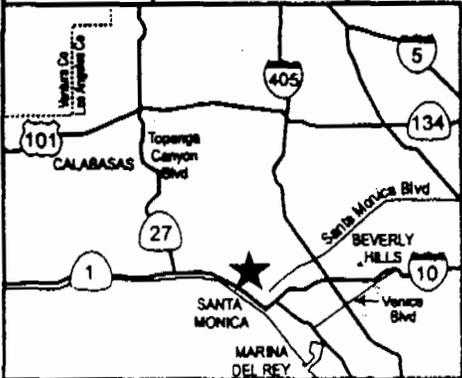
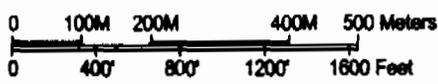
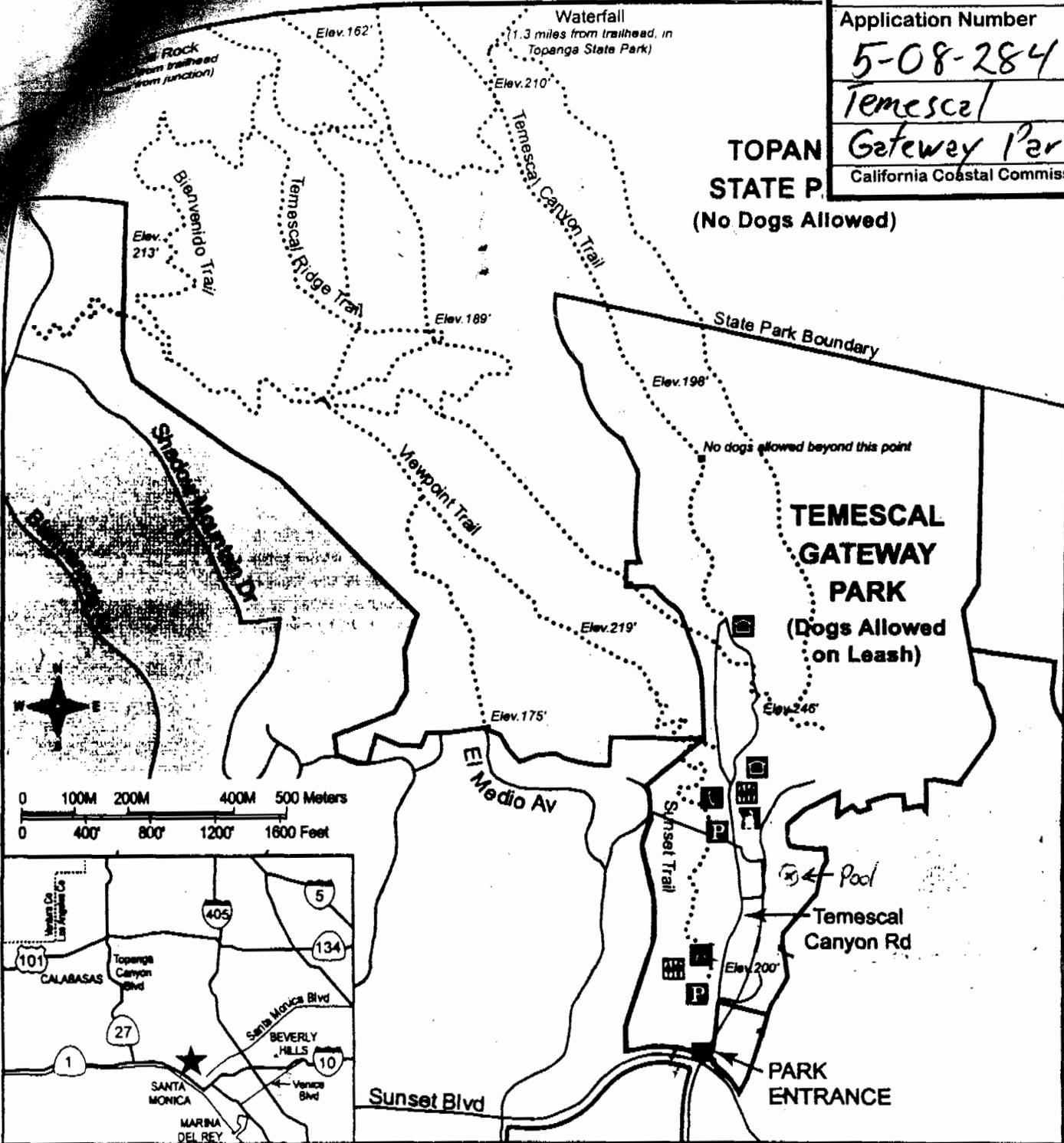
5-08-284

Temescal

Gateway Park

California Coastal Commission

TOPAN
STATE P.
(No Dogs Allowed)



Temescal Gateway Park
15601 Sunset Boulevard, Pacific Palisades, CA 90272

Located in Pacific Palisades, Temescal Gateway Park is one of the most popular parks in the Santa Monica Mountains. The park encompasses 141 acres of oak and sycamore canyons, a waterfall, ridgetop views, and access to miles of trails in Topanga State Park, Will Rogers State Historic Park, and the 20,000-acre "Big Wild."

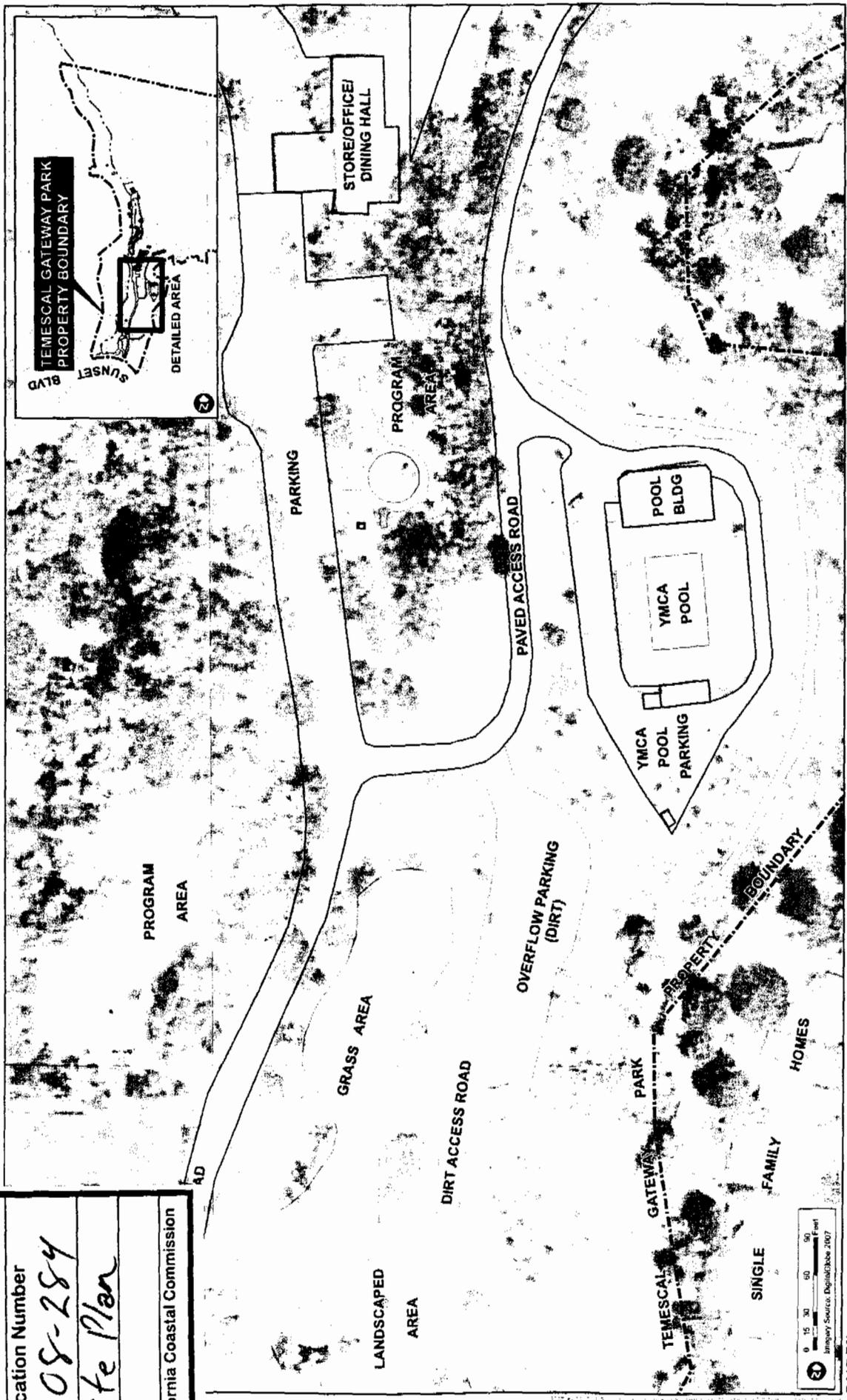
Directions: Take the Santa Monica Freeway (10) to Pacific Coast Highway (PCH). Continue west on PCH. Turn right (north) on Temescal Canyon Road and continue for a mile. You enter the park immediately after crossing Sunset Boulevard. Fee parking is available for \$5 a day.

Park Features

- Camp Store
- Event Facility
- Historical Site
- Parking Lot
- Hiking
- Filing Location
- Pay Phone
- Dogs on Leash
- City Views
- Restrooms
- Drinking Water
- Weddings
- Picnic Tables
- ADA Access
- Minor Road
- Park Boundary
- Major Road
- Trail

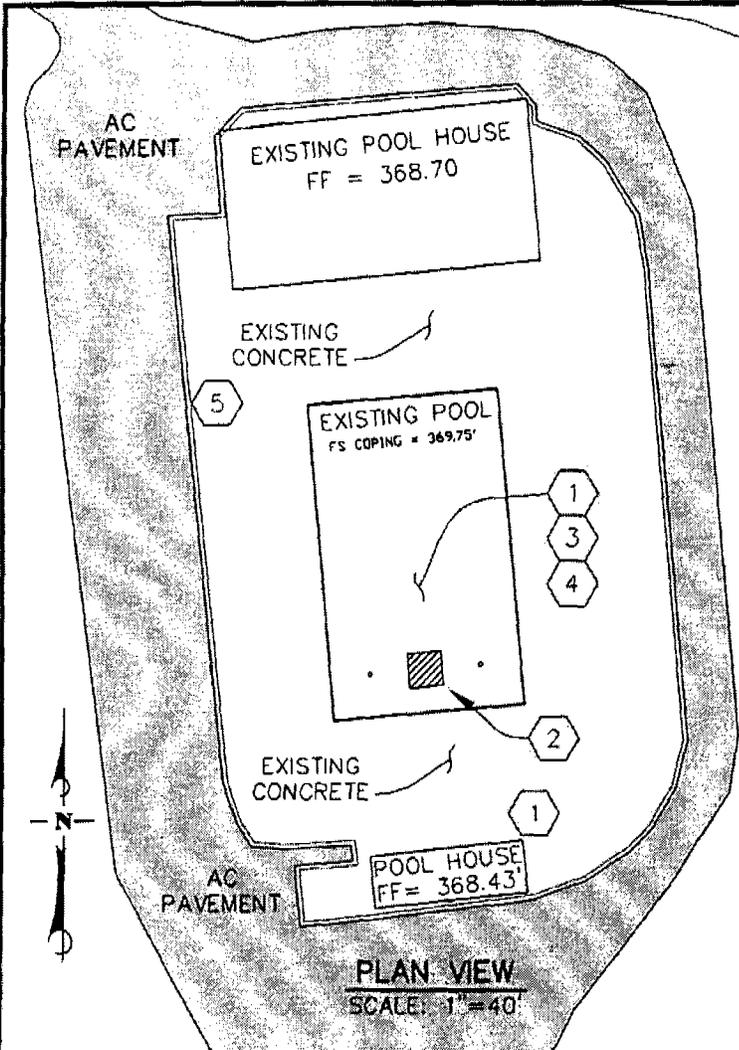
5-08-284

EXHIBIT NO. 3
Application Number 5-08-284
Site Plan
California Coastal Commission



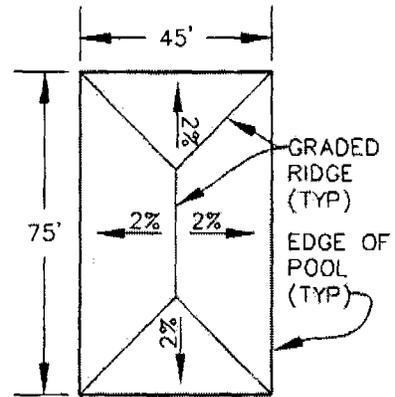
Temescal Gateway Park
Pool Abandonment Site

DUDEK

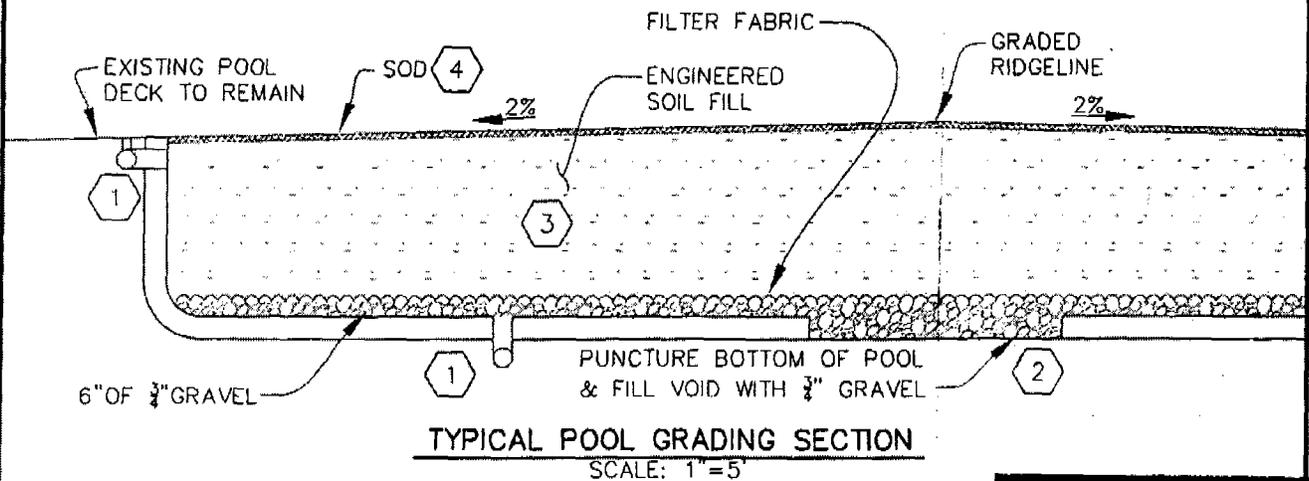


CONSTRUCTION NOTES

1. DISCONNECT AND CAP OFF EXISTING ELECTRICAL, GAS, AND WATER SERVICE TO POOL. PLUG DRAINS.
2. SAWCUT 8X8 AREA OF POOL LINER AT DEEP END TO PROVIDE FREE DRAINAGE.
3. IMPORT GRAVEL AND PLACE ENGINEERED FILL AND COMPACT TO 90% COMPACTION.
4. PLACE SOD OVER FINISH GRADE & MAINTAIN UNTIL ESTABLISHED.
5. REMOVE CHAIN-LINK-FENCE TO PROVIDE CONSTRUCTION ACCESS. REPLACE WHEN CONSTRUCTION COMPLETE.



POOL GRADING PLAN
SCALE: 1"=40'



BS Penfield & Smith
Engineering · Surveying · Planning
· Construction Management ·

13638.08 EXHIBIT1.DWG 12-05-08

TEMP EXHIBIT NO. 4

POOL

Application Number
5-08-284

Grading Plan

California Coastal Commission

EXHIBIT NO. 5
Application Number 5-08-284
<i>Letter Opposed</i>
<i>to Project #1</i>
California Coastal Commission

Friends of the Temescal Pool
Friendstemescalpool.org

October 25, 2008

John (Jack) Ainsworth
Deputy Director
California Coastal Commission
200 OceanGate, 10th Floor

Long Beach, CA 90802-4416

(562) 590-5071
FAX (562) 590-5084

RECEIVED
South Coast Region

OCT 30 2008

CALIFORNIA
COASTAL COMMISSION

Re: Temescal Canyon Pool
The reasons why we should keep the pool

Dear Mr. Ainsworth:

This letter is to request that you deny the Santa Monica Mountains Conservancy request for a permit to fill in the pool in Temescal Gateway Park with dirt, and plug holes in the bottom of the pool for drainage. The following information shows that the pool is an asset to the community and the state, and is not in conflict with the mission or goals of the Santa Monica Mountains Conservancy.

We request the following:

- Rather than allow the destruction of a significant asset, request that the Santa Monica Mountains Conservancy rehabilitate the pool. On October 20th, 2008 the SMMC passed a resolution authorizing a Conservancy Fund grant to the Mountains Recreation and Conservation Authority to satisfy the terms of the Los Angeles County Safe Neighborhood Parks Act (Proposition A) grant for acquisition and improvements in Temescal Canyon, Pacific Palisades. The SMMC was to use this to destroy the pool. We feel it is more appropriate to use these funds to rehabilitate it.
- Provide the Friends of the Temescal Pool and the YMCA, a non-profit operator of the pool the time necessary to raise funds for any additional money required to rehabilitate the pool. This will take as much as 6-8 months.

In early 2008, primarily due to the fact that a substantial amount of repair and retrofit would have to be done to the pool, the pool was closed. The 50-year old pool was

leaking from its pipes underground and the furnace that heated the water in the pool needed replacement.

The pool serves the West Los Angeles region and its closure is sadly felt locally and in nearby communities. The Palisades-Malibu YMCA has stated that it will raise the approximately \$400,000 required to renovate the pool, and will staff a self-sustaining program to run the pool. We have a willing operator and renovator of this treasured asset, however there appears to be something unknown in preventing the negotiation of the lease to re-open the pool.

The pool should be rehabilitated and saved for the following reasons:

1) The mission of the Santa Monica Mountains Conservancy and the YMCA are similar. The people that SMMC and the YMCA serve are many times the same. SMMC's mission statement states:

"Through direct action, alliances, partnerships, and joint powers authorities, the Conservancy's mission is to strategically buy back, preserve, protect, restore, and enhance treasured pieces of Southern California to form an interlinking system of urban, rural and river parks, open space, trails, and wildlife habitats that are easily accessible to the general public.

The key to the Conservancy's success has been partnerships. The Conservancy maximizes its effectiveness by working together with local government, joint powers entities, landowners, State and Federal agencies, and community-based organizations to secure and develop parkland. Through a strategic planning process that includes substantial community participation and input, the Conservancy's projects and priorities are continually updated to reflect the changing dynamics of the region."

The YMCA's mission statement is as follows:

The YMCA of Metropolitan Los Angeles puts Judeo-Christian principles into practice through programs that build healthy spirit, mind and body for all.

When the Young Men's Christian Association was founded in London, England in 1844, twelve young men banded together in a Judeo Christian fellowship to "develop in spirit, mind and body." Today, the Los Angeles YMCA is still dedicated to the objective of bringing people together in purposeful association to accomplish important personal and social goals.

The 25 Los Angeles YMCAs bring together people of every age, race, and faith in programs that teach character, promote healthy living, support the pursuit of positive life skills and encourage the acceptance of responsibility.

Through a lifetime of progressive YMCA membership experiences, members gain the desire and ability to contribute to a thriving, larger community. Being involved, as part of a community, not merely as the participant in an activity, is itself an essential ingredient in living a healthy life.

Neither mission conflict. Importantly, both mission statements declare that their role is to

serve the public and the communities.

2) The goals of the SMMC and the YMCA do not conflict and in effect their goals overlap.

As stated in a letter from the Executive Director of the SMMC, "The conditions of use and types of uses of property owned or subject to the management of the conservancy are considered to be of statewide significance. The types of uses and the management policies affecting those uses shall be consistent with the policies for permitted uses of lands within the state park system.

When the Conservancy purchased Temescal Canyon Gateway Park from the Presbyterian Church, the SMMC used Proposition A of 1992's money earmarked for "trails", Section 8(a)(3)(A). It also applied for a Prop A Sec. 8(c)(4) grant "for the acquisition of land and development of facilities for at-risk-youth and gang prevention.

In fact, Proposition A Sec. 8(c)(4) grant includes public access and senior facilities in its verbiage. This is on Page 20, Section 3d of Proposition A (*Exhibit 1*):

"(d) Twenty-two million seven hundred fifty thousand dollars (\$22,750,000) to the Santa Monica Mountains Conservancy, pursuant to Division 23 of the Public Resources Code and the provisions of this resolution, to acquire sensitive and critical mountain and canyon lands, streams, wildlife lands, trails and scenic areas, and to develop parks, trails, public access, senior facilities and camps for at-risk youth in mountain and canyon areas, including lands and areas in the Santa Monica Mountains and the San Fernando Valley and San Gabriel Valley foothills, including seventeen million seven hundred fifty thousand dollars (\$17,750,000) for lands and areas in the Santa Monica Mountains and including five million dollars (\$5,000,000) for the Santa Clarita Woodlands and/or the Rim of the Valley Trail Corridor, with first priority being given to completion of the Santa Clarita Woodlands Park, and for grants to Nonprofit Organizations pursuant to Section 33204.2 of the Public Resources Code.

This is the crux of the matter – that while the pool served the public and "at risk youth" and the community, it was especially precious for the elderly, the disabled and those not able to transport themselves long distances. There are many citizens, especially senior citizens, who find the YMCA provides an affordable way to swim. Many can not transport themselves to an out of area pool. The physical and mental health of the citizens of the community were enhanced by the programs that were offered at the Temescal Pool. When the pool was open, the YMCA Temescal pool exclusively provided fitness therapy – in some cases the only or most significant fitness therapy for disabled citizens. Water therapy is vital for recovery from spinal cord injuries, suffered by "at risk youth" as well as other citizens of all ages, and those who suffer from degenerative diseases such as multiple sclerosis and rheumatoid and osteo-arthritis. We have included many letters from senior citizens who want the pool back (*Exhibit 2*)

3) The pool use is consistent with the state park system. There are 155 California State

Park Units out of 278 that have an aquatic recreation component. While other uses in the Temescal Canyon Park were private uses, the pool has been open to the public every since its opening in 1957. The Palisades-Malibu YMCA, the current operator of the pool, has been operating it for the public since 1965.

The following was taken directly from the CA.gov website.

California State Parks manages 278 California State Park Units -- 155

(over half) have an aquatic recreation component:

Over 300 miles of ocean coastline

Over 600 miles of reservoir/lake shoreline

Over 50 million people visit California State Parks each year.

#1 Reason given in visitor surveys for visiting a park?

WATER!!

Swimming continues to be the second leading recreational pastime (behind walking) in all national surveys.

Please note that NO California State Park offers organized swimming lessons. For swim lessons in your area please contact organizations in your area such as your local Parks and Recreation Department, YMCA, YWCA, Red Cross or Community Center

4) As a result of the pool closure, the region has been negatively affected. Travel to other pools have caused more traffic, and the reduced activity of the disabled and the arthritic who used the pool have caused hardship and pain. The Santa Monica YMCA can not serve all of the youth that would like to swim there. There are at least 30 kids that are on the waiting list for the Santa Monica YMCA pool.

5) There is no other local facility that can accommodate swimming during the whole year from six in the morning to seven at night. The new high school pool that is currently being planned will not allow citizens to use the pool during school hours (7:30 AM – 3:30 PM) due to security issues or during the time the pool is in use for their teams for swimming and water polo (usually after school).

6) In addition, we want you to consider the fact that the Metropolitan YMCA, of which the local YMCA is a part, is a tremendous resource for identifying and helping to create programs for at risk youth. Certainly the pool could be a part of such a collaborative effort to extend the mission of the Conservancy. The Palisades-Malibu YMCA board chairman has said his organization would like to partner with the Conservancy to do such a thing.

7) The pool is fixable. With approximately four hundred thousand dollars, a three million dollar asset will be modernized, its pipes and heating elements replaced, and its life extended well into the future. The Executive Director the SMMC has declared the pool a "nuisance". A geological report recently conducted by Grover-Hollingsworth and Associates found that the pool is built on "older alluvium" and therefore is "grossly stable". See Exhibit 3. When the pool is renovated, sustainable fuel technology can be pursued – Solar Power is especially effective in heating pool water. Renovating the pool will not

require costly environmental impact reports, studies to determine whether the public wants the pool or not, nor approvals from the California Coastal Commission – It is there already and is not a new development.

8) Importantly, the YMCA has pledged to operate the pool such that it will be self sustaining and will require no money from the State. The YMCA has pledged that it will raise the money to fix the pool, and then operate and staff the pool. However, While the YMCA has pledged its commitment to aquatics, the pool was a net revenue loser before the closure of the pool, and therefore the YMCA cannot afford an expensive lease with the SMMC.

Thank you for your thoughtful consideration.

Sincerely,

Laura M Lee (Laura M. Lee)

Friends of the Temescal Pool

801 I Lift St
Pacific Palisades, Ca 90272
(310) 459-1152

Harris Newmark III, M.D.
Carole DePould-Newmark
227 Toyopa Dr.
Pacific Palisades, CA 90272

EXHIBIT NO. 6
Application Number 5-08-284
Letter Opposed to Project #2
California Coastal Commission

October 29, 2008

Mr. Gary Timm
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802

CALIFORNIA
COASTAL COMMISSION

Re: Community Pool located in Temescal Canyon Gateway Park, Los Angeles, California, Owned by the Santa Monica Mountains Conservancy ("SMMC") and Leased by the Metropolitan YMCA ("YMCA").

Dear Mr. Timm:

This letter is to request that the Coastal Commission reject any permit asked by the SMMC to destroy or fill in the pool in Temescal Canyon Gateway Park. In early 2008, primarily due to the fact that a substantial amount of repair and retrofit would have to be done to the pool, the pool was closed. The 50-year old pool was leaking from its pipes underground and the furnace that heated the water in the pool needed replacement.

The pool serves the West Los Angeles region and its closure is sadly felt locally and in nearby communities. The Palisades-Malibu YMCA and community leaders have stated that they will raise the necessary funds required to renovate the pool, and will staff a self-sustaining program to run the pool. We have a willing operator and renovator of this treasured asset, however the SMMC wants to destroy the pool.

I support the SMMC and its mission to serve all citizens in the region. We are those citizens and we want you to know that the pool is a lifeline for the health and welfare of many of the people in the communities that surround the Park and in the region.

I believe that the Los Angeles region needs this pool for the following reasons:

1. The central theme of serving at risk youth is acknowledged and is central to SMMC and the YMCA's goals. Many of SMMC's constituencies are the same as the YMCA. The pool also serves seniors, the disabled and the less fortunate in the region. It should be pointed out that Proposition A funding serves "senior facilities" also.
2. The pool use is consistent with the state park system. There are 155 California State Park Units out of 278 that have an aquatic recreation component.
3. As a result of the pool closure, the region has been negatively affected. The closure has caused swimmers to travel to other pools. Many less mobile people such as the disabled and the arthritic have had to do without. Traffic has increased and the reduced activity of the disabled and the arthritic who used the pool have caused hardship and pain. Other municipal options cannot serve all of the youth that would like to swim there. For example, there are at least 30 kids that are on the waiting list for the Santa Monica YMCA pool.
4. There is no other local facility that can accommodate swimming during the whole year from six in the morning to seven at night. The new Palisades High School pool that is currently

- being planned will not allow citizens to use the pool during school hours (due to security issues) or during the time the pool is in use for school teams for swimming and water polo.
5. Many citizens, especially senior citizens, appreciate the affordability of the Temescal pool. Many can not transport themselves to an out of area pool. The physical and mental health of the citizens were enhanced by the programs that were offered at the Temescal Pool. When the pool was open, the Temescal pool exclusively provided fitness therapy – in some cases the only or most significant fitness therapy for disabled citizens. Water therapy is vital for recovery from spinal cord injuries, suffered by “at risk youth” as well as other citizens of all ages, and those who suffer from degenerative diseases such as multiple sclerosis and rheumatoid and osteo-arthritis. These programs should be continued.
 6. In addition, we want you to consider the fact that the YMCA is a tremendous resource for identifying and helping to create programs for at risk youth. Certainly the pool could be a part of such a collaborative effort to extend the mission of the Conservancy. The Palisades-Malibu YMCA board chairman has said his organization would like to partner with the Conservancy to do such a thing.
 7. The pool is fixable. While the initial estimate to fix the pool was estimated to be four hundred thousand dollars, with Citizen Oversight we are confident that this repair can be done for less. Importantly, this three million dollar asset will be modernized, its pipes and heating elements replaced, and its life extended well into the future.
 8. When the pool is renovated, sustainable fuel technology may be pursued – Solar Power is especially effective in heating pool water.
 9. Renovating the pool will not require costly environmental impact reports, studies to determine whether the public wants the pool or not, nor approvals from the California Coastal Commission – It is there already and is not a new development.
 10. The substantial monies required to be raised by the Community may not be sufficient to completely modernize the pool. The opportunity to raise grant money due to the pool’s service of the handicapped and at risk youth should be examined.
 11. Once rehabilitated, the pool will be self-sustaining, self-staffed and will require no money from the State. Community leaders and the YMCA have pledged that they will raise money to fix the pool, and then operate and staff the pool. Due to these uncertain times, we hope that we can raise sufficient funds. In addition to grant money, we hope to bridge the gap and rehabilitate the pool. However, the pool is a perennial net revenue loser, and therefore operator cannot afford an expensive lease with the SMMC.
 12. Time is of the essence, since a vacant pool deteriorates rapidly.

In conclusion, I feel that SMMC’s reasons for closing the pool are not justified, and discriminatory against seniors, who miss the pool most of all.

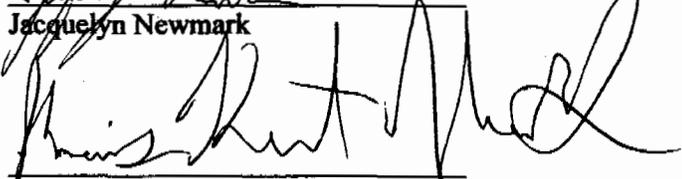
Thank you for your thoughtful consideration.

Sincerely,


Harris Newmark III M.D.


Carole DePould-Newmark


Jacquelyn Newmark


H. Kent Newmark