

CALIFORNIA COASTAL COMMISSION

SAN DIEGO DISTRICT OFFICE
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
VOICE (619) 767-2370
FAX (619) 767-2384



Th15a

A-6-LJS-19-0198 (CITY OF SAN DIEGO)

AUGUST 13, 2020

EXHIBITS

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EXHIBIT NO. 1

APPLICATION NO.

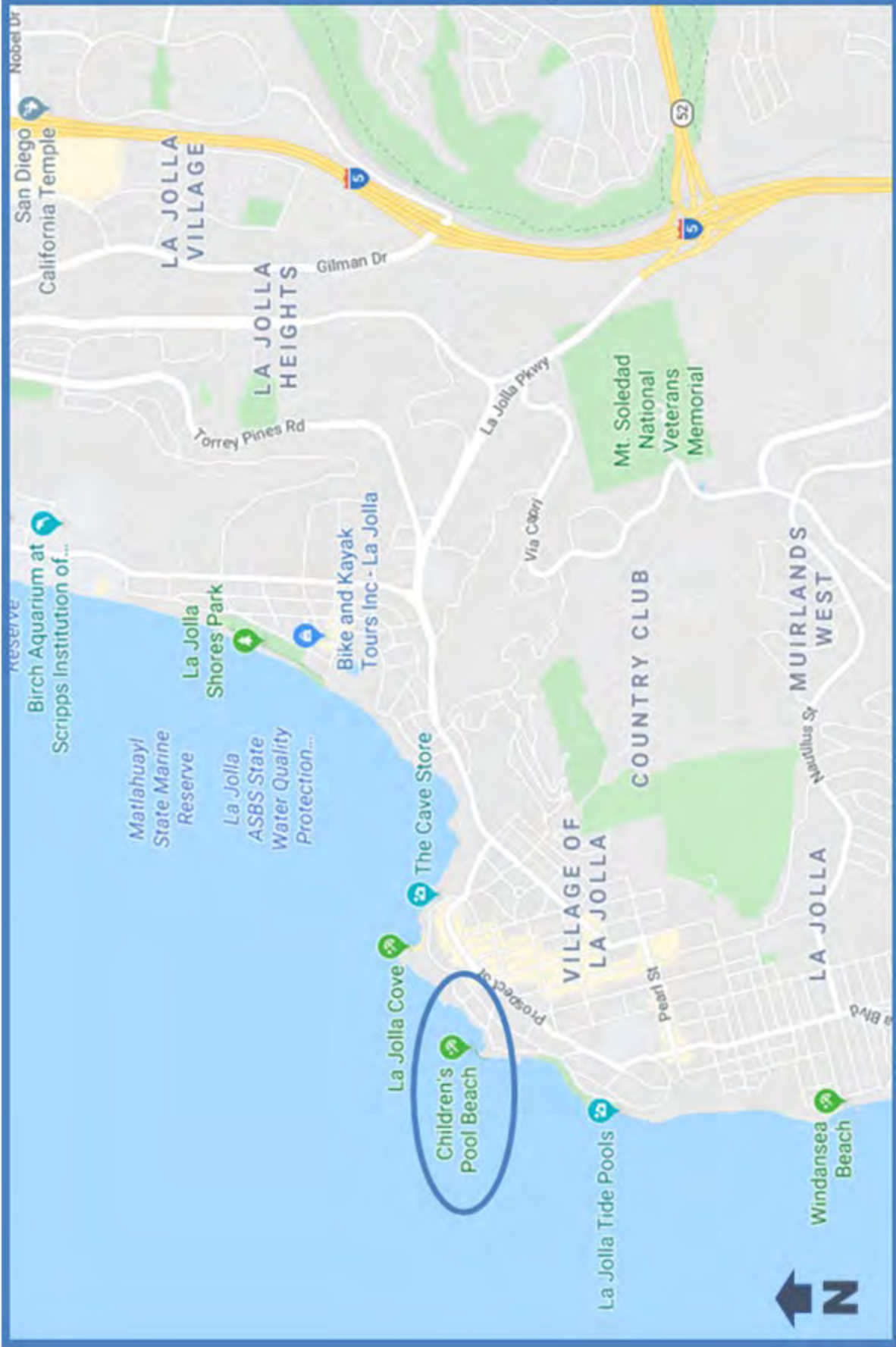
A-6-LJS-19-0198

Project Site

Page 1 of 2



California Coastal Commission



Nobel Dr

San Diego
California Temple

LA JOLLA
VILLAGE

LA JOLLA
HEIGHTS

Gilman Dr

Torrey Pines Rd

La Jolla Pkwy

Mt. Soledad
National
Veterans
Memorial

Birch Aquarium at
Scripps Institution of...

La Jolla
Shores Park

Bike and Kayak
Tours Inc - La Jolla

Via Cary

Matlahuayl
State Marine
Reserve

La Jolla
ASBS State
Water Quality
Protection...

The Cave Store

COUNTRY CLUB

MUIRLANDS
WEST

Venustus St

VILLAGE OF
LA JOLLA

LA JOLLA

La Jolla Cove

Children's
Pool Beach

La Jolla Tide Pools

Windansea
Beach





View of ramp and gate from Children's Pool beach, looking south.



View of ramp and gate from Children's Pool beach, looking south.



Gate prior to construction of the lifeguard station, looking north.



Gate during construction of the lifeguard station, looking north.



Gate during construction of the lifeguard station, looking north.



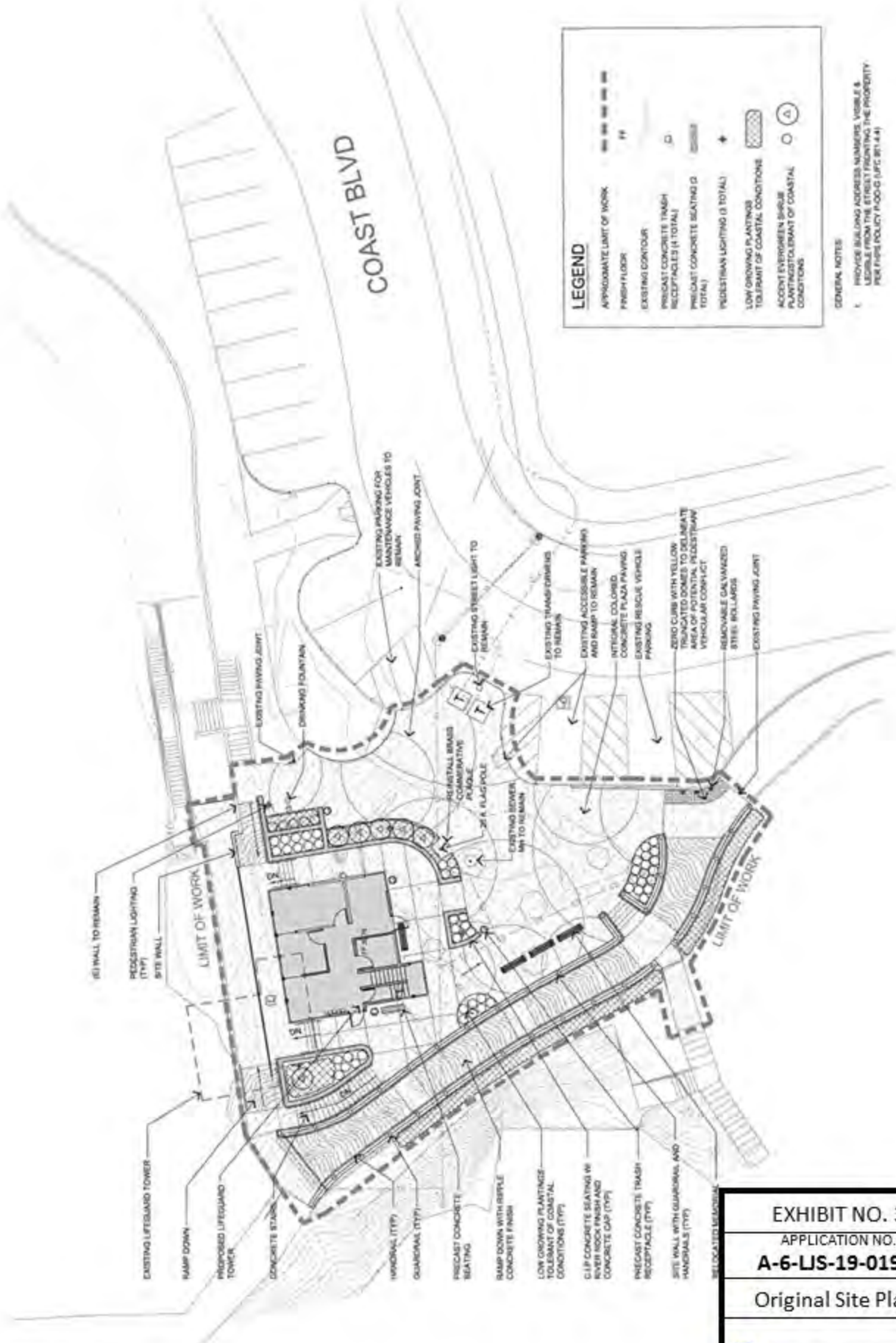
Gate with retaining wall constructed underneath (outlined), looking north.



ADA ramp and retaining wall, looking east.



Gate with retaining wall (outlined) constructed underneath, looking south towards Coast Blvd.



LEGEND

- APPROXIMATE LIMIT OF WORK
- FINISH FLOOR
- EXISTING CONTOUR
- PRECAST CONCRETE TRASH RECEPTACLES (H TOTAL)
- PRECAST CONCRETE SEATING (D TOTAL)
- PEDESTRIAN LIGHTING (D TOTAL)
- LOW GROWING PLANTINGS TOLERANT OF COASTAL CONDITIONS
- ACCOUNT FOR TREES IN SITES PLANTING/TOLEMIT OF COASTAL CONDITIONS

GENERAL NOTES

1. PROVIDE BUILDING ADDRESS NUMBERS, VISIBLE & LEGIBLE FROM THE STREET FRONTING THE PROPERTY PER FIRE POLICY A00-G (LFC 811.4.1)

EXHIBIT NO. 3
APPLICATION NO.
A-6-LJS-19-0198

Original Site Plan

California Coastal Commission

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT OFFICE
 7575 METROPOLITAN DRIVE, SUITE 103
 SAN DIEGO, CA 92108-4402
 VOICE (619) 767-2378 FAX (619) 767-2384

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: La Jolla Community Planning Association

Mailing Address: PO Box 889

City: La Jolla, CA Zip Code: 92037 Phone:

SECTION II. Decision Being Appealed

1. Name of local/port government:

La Jolla Children's Pool Lifeguard Station SCR

2. Brief description of development being appealed:

New retaining wall blocking public beach access to the Children's Pool

3. Development's location (street address, assessor's parcel no., cross street, etc.):

850 Coast Blvd. at the end of Jenner St.

4. Description of decision being appealed (check one):

- Approval; no special conditions
 Approval with special conditions:
 Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: _____

DATE FILED: _____

DISTRICT: _____

EXHIBIT NO. 5

APPLICATION NO.

A-6-LJS-19-0198

Appeal Forms

Page 1 of 14



California Coastal Commission

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: Sept 17, 2019

7. Local government's file number (if any): 627990

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

La Jolla Community Planning Association
PO Box 889
La Jolla, CA 92037

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Ken Hunrichs 619-787-3372

(2) Tony Crisafi 858-869-2831

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

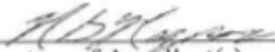
The La Jolla Community Planning Association finds that the application for the Substantial Conformance Review to permit the constructed 30" high retaining wall is not consistent with the Coastal Development Permit.

- 1) The approx. 30" concrete wall blocks a pre-existing access path identified in the LJ Community Plan and Local Coastal Program Land Use Plan (page 148, Physical Access). The path has been in existence since the 1940's.
- 2) It does not address the public's request to investigate improving ADA and emergency vehicle access, and is inconsistent with the City's adopted Local Coastal Program (LCP).
- 3) This Committee cannot support the City Staff CEQA findings that there are no new impacts due to this change. Access is clearly blocked.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or Authorized Agent

Date: 3/26/19

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST DISTRICT OFFICE
 7575 METROPOLITAN DRIVE, SUITE 103
 SAN DIEGO, CA 92168-4402
 VOICE (619) 767-2370 FAX (619) 767-2384



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Kenneth L. Hurrichs

Mailing Address: 6530 Springfield St

City:

Zip Code:

Phone:

San Diego, CA

92114

619 787 3372

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of San Diego

2. Brief description of development being appealed:

Children's Pool Lifeguard Tower CDP # 549686, Site Development Permit No. 549687 and Conditional Use Permit No. 927125 and the construction of a new barrier wall blocking established coastal access across a beach access ramp.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

850 Coast Blvd, La Jolla, CA 92037

4. Description of decision being appealed (check one.):

- Approval; no special conditions
 Approval with special conditions:
 Denial

RECEIVED

OCT 07 2019

CALIFORNIA
 COASTAL COMMISSION
 SAN DIEGO COAST DISTRICT

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO:

A-6-LJS-19-0198

DATE FILED:

10/7/19

DISTRICT:

San Diego Coast

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: September 17, 2019

7. Local government's file number (if any): 627990

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

City of San Diego, Dept. of Public Works

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Joel Tracey
10408 Strathmore Dr.
Santee, Ca. 92071

(2)

(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

The following conditions in Coastal Development Permit No. 549686, Conditional Use Permit-Section 126.0305. Site Development Permit - Section 126.0504 for the Children's Pool Lifeguard Tower Project have not been met after the construction of a non-conforming barrier wall blocking ramp access to the beach:

"(a) The proposed development will not adversely affect the applicable land use plan".

"The existing plaza will be reconfigured to provide a ramp for emergency vehicles to the beach . . ."

(CDP No. 549686 Attachment 8, pages 1 & 3)

"The LJCPLCP (La Jolla Community Plan, Local Coastal Program) also includes goals to provide modernized public facilities that support recreational, safety and health related needs of the residents and visitors to La Jolla."

"The proposed development will not adversely affect the community plan because it is implementing the goal of improving existing beach access and enhancing public access to facilitate greater public use and enjoyment of coastal resources . . ."

(CDP No. 549686 Attachment 8, page 3)

"Through project review, staff has determined there would be no erosional forces, flood hazards or fire hazards. Therefore, the proposed development would minimally alter the site and would not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards".

(CDP No. 549686 Attachment 8, page 5)

"The proposed development will not encroach upon any existing physical access way that is legally used by the public or any proposed public access way identified in the Local Coastal Program land use plan in affect for the site".

(CDP No. 549686 Attachment 8, pages 6 & 7)

(Continued on attached pages)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or Authorized Agent

Date: October 4, 2019

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby
authorize _____

to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Continued from appeal form page 3

"4. For every Coastal Development Permit issued for any coastal development between the nearest Public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act."

"The proposed lifeguard station would have no direct impact on resources within the coastal zone, and do not interfere with the public's right of access to the sea, the use of dry sand and rock coastal beaches to the first line of terrestrial vegetation. The lifeguard station would encourage increased recreational use of coastal waters and enhance public safety."

(CDP No. 549686 Attachment 8, page 7)

10. "All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit."

(CDP No. 549686 Attachment 9, page 3)

A multi-purpose ramp provides improved access for all users

The beach access ramp to the sandy beach at Children's Pool was built sometime in the mid 1940's according to available photographic evidence. The natural bluff was graded, filled and paved to create a safe and convenient access to the protected beach at Children's Pool. It was used for many years by beach-goers, City lifeguards, maintenance personnel and their vehicles. It became the primary access point to the beach since it avoided the very narrow, steep and now crumbling stairs to the beach.

The ramp was open and unrestricted for many years but at some time, perhaps during the construction of the recently demolished lifeguard tower in the late 1960's, gates across the ramp and seawall stairway were installed. Those gates were not closed and locked as a matter of routine except to prevent access during high surf condition required restricting access for public safety. The beach access ramp was locked closed because of a series of storms that washed away the lower portion of the access ramp in the late 1970's or early 1980's. An attempt to repair the damaged ramp was made in the 1980's using an unsuitable fill material that caused the ramp surface to turn to slippery goo after any rainstorm or ocean spray from high surf conditions.

The condition of the ramp was brought to the attention of the lifeguards, the Park and Recreation Dept. and the San Diego City Council several time in the past 35 years through complaints from visitors, residents and community organizations. Instead of fixing the problem caused by storm damage and improper fill material, the ramp was left to disintegrate over time.

This well used public beach access ramp had been ignored, neglected and the true purpose for the ramp was forgotten. Only after a controversy arose over the use of Children's Pool beach was the beach access ramp improperly characterized by some City officials as an "emergency vehicle only" access ramp contrary to the Community Plan and Certified Local Coastal Program. This is not a ramp

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Continued from appeal form page 3

for emergency use only or it would have been clearly labeled for that purpose just as the other emergency ramp was in the Community Plan (page 148). An "emergency vehicle access ramp" south of Children's Pool carries that designation because it serves a different purpose than the beach access ramp at Children's Pool

Although an exact date for the construction of the beach ramp at Children's Pool is unknown, photographic evidence shows it was in use by the public as early as the 1940's. It is likely some type of ramp was created during the construction of the seawall and stairway at the Pool. An early aerial photo of the completed seawall from around 1931 shows the sluiceways in the wall still open and a ramp down the bluff near the seawall stairway. Other photos in subsequent years show the beach-going public using the ramp.

Now, with the likelihood that the stairs at Children's Pool will need major repairs, the ramp becomes even more vital to maintain access to the beach. Fortunately, repairs to the ramp are a simple, low cost solution to maintaining public access to this beach.

In 2011 as public record act request was made of the Coastal Commission inquiring if a Coastal Development Permit had been issued to close the beach access ramp. The response by the Coastal Commission was there was no permit to close this beach access.

In August, 2014 Commissioner McClure requested a special condition as a part of the Children's Pool Beach seasonal closure permit. The special condition was an amendment to the permit calling for improvements to access to Children's Pool for disabled visitors. Although the applicant City claimed a fully compliant ADA access ramp to the beach was not feasible, the need for better access remains. The existing beach access ramp, when repaired, resurfaced and reopened would demonstrate "Reasonable Accommodation" in the spirit and intent of ADA law and the Coastal Commission's request to improve coastal access for all visitors.

Perfect access must not be made the stumbling blocking for improved access especially where a functional, multi-purpose, beach access ramp was a desirable permit condition for the Lifeguard Tower Project. The non-conforming barrier wall makes that condition impossible.

WHAT IS A COASTAL ACT VIOLATION?

"When someone takes an action that is prohibited by or inconsistent with the conditions of a previously issued permit. A coastal act violation occurs when actions discouraging public access to the coast (such as the placement of fencing, gates or no parking/trespassing signs)."

[Coastal Commission Website](#)

DEVELOPMENT THAT IS INCONSISTENT WITH A PERMIT

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Continued from appeal form page 3

"Any development that is inconsistent with the terms or conditions of a previously issued CDP is a violation of the Coastal Act. The terms or conditions attached to a CDP are included because they are necessary to ensure that the proposed development is consistent with the Coastal Act. Such conditions might include a requirement to provide an easement that allows for public access to or along a beach or nature trail; restrictions on future development that can occur on the property; or other measures that protect coastal resources such as visual resources, water quality, and the land and marine environment of the area."

Coastal Commission Website

Coastal Act section 30211

"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."

Pertinent text of the Children's Pool Trust (State Tidelands Grant)

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:

"(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."

La Jolla Community Plan and Local Coastal Program (LJCP/LCP)

The following passages are quotes from the La Jolla Community Plan adopted as part of the Local Coastal Program for the City of San Diego. Each quote applies to the non-conforming condition at Children's Pool where the beach access ramp has been blocked.

"La Jolla will continue to be in touch with its past, recognizing that the preservation of its designated historic sites and the adaptive reuse of its structures of historic significance reflect an earlier era in the development of the community which will be permanently lost if left to deteriorate."
(LJCP/LCP page 2)

"Provide adequate public facilities necessary to support the educational, recreational, safety and health related needs of La Jolla residents including children, families and the elderly as well as providing for the needs of visitors."

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Continued from appeal form page 3

"Enhance existing public access to the ocean, beach and park areas such as Ellen B. Scripps Park and Kellogg Park along the shoreline in order to be of greatest benefit to neighborhood residents and visitors to the community."

(LCP/LCP page 5)

"to protect and enhance beach access, both visually and physically;

(LCP/LCP page 9)

Children's Pool Historic District

The La Jolla Children's Pool Historic District, which includes the historic beach access ramp, is currently nominated and under consideration for inclusion in the National Register of Historic Places.

"A survey to identify potentially historic structures is currently underway. Historic surveys should be updated on a periodic basis per the Secretary of Interior's Standards to encourage the conservation of historic resources."

(LCP/LCP page 18)

"A key component of adequate access is the maintenance of existing facilities including stairways, pathways, and parking areas. Accessways within or adjacent to dedicated City parks are maintained by various City Departments."

(LCP/LCP page 25)

*"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."*

(LCP/LCP page 29)

*"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 have 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."*

(LCP/LCP page 31)

*"b. 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"*

(LCP/LCP page 40)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Continued from appeal form page 3

"c. 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."

"d. 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."

(LJCP/LCP page 41)

"h. Where new development is proposed on property that lies between the shoreline and the first public roadway, preserve, enhance or restore existing or potential view corridors within the yards and setbacks by adhering to setback regulations that cumulatively, with the adjacent property, form functional view corridors and prevent an appearance of the public right-of way being walled off from the ocean."

(LJCP/LCP page 46)

"i. Maintain, and, where feasible, enhance and restore all existing steps and paved access ramps to beach and shoreline parks, such as those at Marine Street Beach, Tourmaline Surfing Park and La Jolla Strand Park, in order to increase public safety and vertical access to these areas."

(LJCP/LCP page 47)

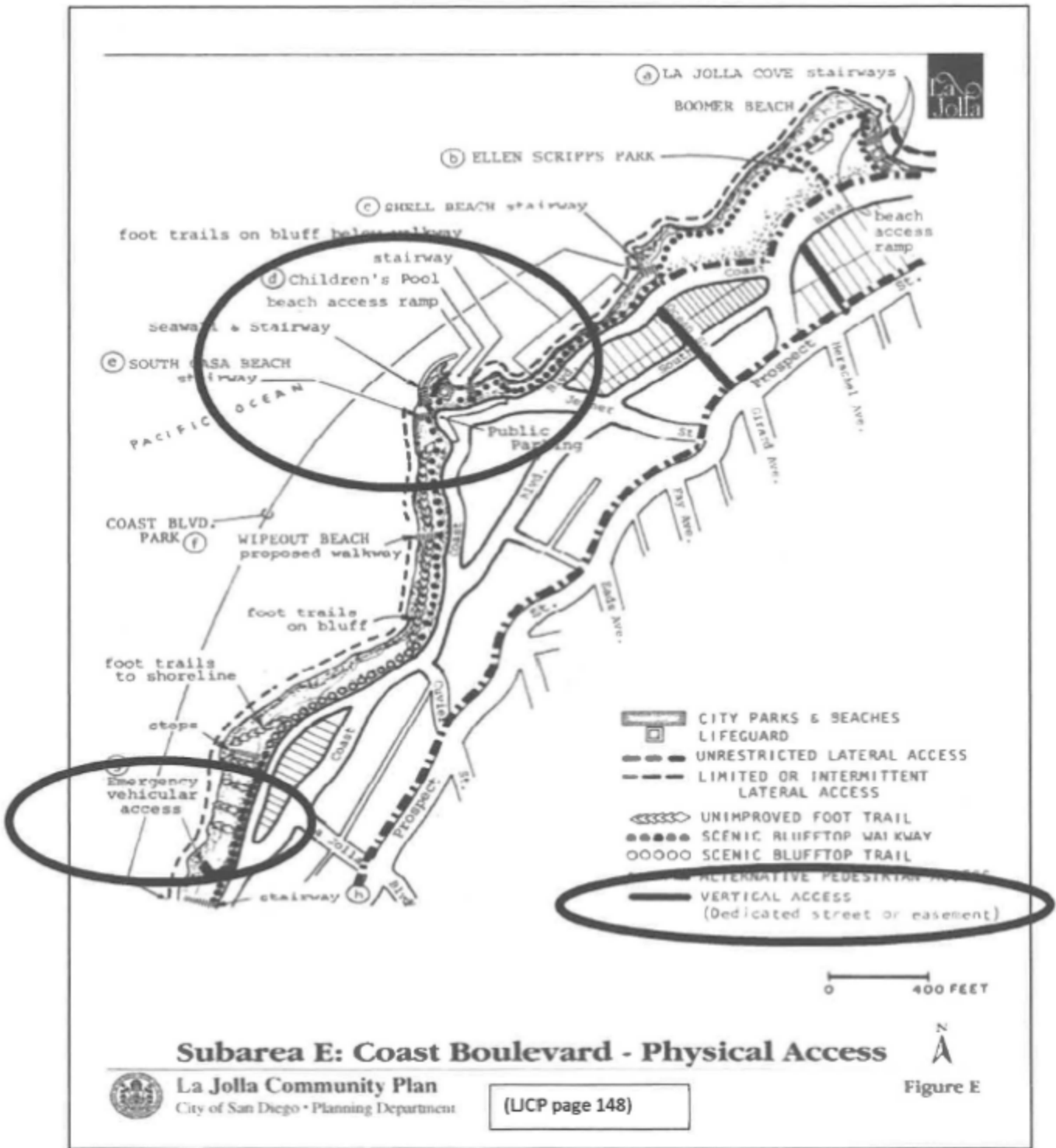
California Environmental Quality ACT (CEQA)

Blocking the beach access ramp has resulted in unidentified impacts to public safety, public coastal access and the community plan that required mitigation under CEQA. The City conducted a very hasty and flawed Substantial Conformance Review process that was decided with a predetermined outcome before community groups could comment.

Environmental review looks at reasonably foreseeable impacts as a result of the project description. Impacts can be direct, indirect and cumulative. Opposition to the City's SCR approval identified direct impacts to public health, safety and welfare, coastal access and the community plan in closing the ramp. Under CEQA, any identified impacts must be mitigated to below a level of significance, or the approving body needs to adopt a statement of overriding considerations to explain why the project is proceeding without mitigation. The obvious mitigation is to re-open the ramp. The mitigation is required and then becomes part of the project. The city neither provided mitigation nor an argument on why mitigation was not possible. CEQA was completely bypassed here.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Continued from appeal form page 3



CALIFORNIA COASTAL COMMISSION

45 FREMONT ST., SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885



August 29, 2011

John Leek
3090 Admiral Ave
San Diego, CA 92123

RE: Your Public Records Act Request dated August 21, 2011

Dear Mr. Leek:

Your above-referenced Public Records Act request dated August 21, 2011, and received by the California Coastal Commission ("Coastal Commission") on August 22, 2011, has been referred to me for response. You have requested records of a coastal development "permit to close and lock the gate for the ramp at the west side of the lifeguard tower at Children's Pool."

Pursuant to the Public Records Act, Government Code section 6250, et seq., a search was conducted for the records you seek, but we were unable to locate any records responsive to your request.

Please contact me at (415) 904-5284 if you have any questions.

Sincerely,



Jessica Reed
Senior Legal Analyst

CALIFORNIA COASTAL COMMISSION

San Diego Coast District Office
7575 Metropolitan Dr., Suite 103
San Diego, CA 92106-4402
(619) 767-2370

March 28, 2018

Kenneth L. Hunrichs
6530 Springfield Street
San Diego, CA 92114

RE: City of San Diego Children's Pool Lifeguard Tower Coastal Development
Permit No. 549626

Dear Mr. Hunrichs,

Commission staff would like to thank you for bringing to our attention concerns related to the newly constructed Lifeguard Station at Children's Pool that was constructed pursuant to the City of San Diego ("the City") Coastal Development Permit ("CDP") No. 549626, which was issued by the City. Staff understands your concerns regarding the City's permit to be as follows:

- 1) The construction of an approximately 2-3 feet high retaining wall at the site blocks a previously available emergency access way to the sandy beach, and
- 2) The project has resulted in a reduction in public parking spaces fronting the new lifeguard tower.

Commission staff contacted City staff regarding the issues noted above. City staff indicated that the above work was authorized as part of CDP No. 549626. However, after our research, we have determined that the above items were not included in the permit approved by the City. Thus, Commission staff has determined that these actions must be addressed by the City. The CDP process mandated by CDP No. 6-14-0691, described below, provides an avenue for the City to do so.

This permit requires the City to apply to the Coastal Commission to extend the seasonal closure of Children's Pool beach to all public access during Harbor Seal pupping season. The permit also requires the City to study and identify the feasibility of providing Americans with Disabilities Act-compliant public access to the sandy beach area at Children's Pool. Requiring the concerns noted above to be incorporated into the City's permit renewal process will provide the City and the Commission the opportunity to comprehensively evaluate the public access resources at the site, including parking, emergency access, ADA access, and so on. At that time, the City can ask to retain the unpermitted development and evaluate impacts, or remove it. Public comment and public participation will also be part of that permit process.

EXHIBIT NO. 6

APPLICATION NO.

A-6-LJS-19-0198

March 28, 2019 Letter

Page 1 of 2



California Coastal Commission

The seasonal closure of Children's Pool beach approved in CDP No. 6-14-0691 expires in August 2019. If the City intends to extend the closure and authorize the development described above as part of the permit process, the City would need to apply for a permit amendment in advance of the CDP expiration. Thus, Commission staff expects an application from the City well in advance of August 2019. If the City determines that they do not want to continue the seasonal closure, Commission staff will assess whether to direct the City to apply for a separate permit to authorize the above development or otherwise address it. In order to ensure efficient use of our limited staff resources, we are targeting the permit amendment process to address this matter, and we look forward to discussing this issue with you at that time.

We appreciate your concern and dedication to protecting public access at Children's Pool. If you have any questions or concerns, please do not hesitate to contact myself or Kanani Leslie.

Sincerely,



Marsha Venegas
Enforcement Analyst

cc: **Deborah Lee, San Diego District Manager, CCC**
Kanani Leslie, Senior Coastal Planner, Planning and Regulation, CCC
Helen Deisher, City of San Diego, Development Services Department
Jorge Acevedo, City of San Diego, Engineering Department
Daniel Daneri, City of San Diego, Parks and Recreation



EXHIBIT NO. 7

APPLICATION NO.

A-6-LJS-19-0198

Appellant Photos

Page 1 of 8



California Coastal Commission



1970 Dodge TV Commercial





Coastal Records Project 1987



Coastal Records Project 1989









CITY OF SAN DIEGO
MEMORANDUM.

RECEIVED

DEC 23 1983

CITY MANAGER

FILE NO.:

DATE : December 20, 1983

TO : City Manager Ray Bivir

FROM : Deputy Mayor Mike Jochi and Councilman Bill Miller

SUBJECT: CHILDREN'S POOL RAMP

For many years the Children's Pool area in La Jolla has been the gathering place for tourists and residents alike. Recently, however, the area has received strong criticism from members of the La Jolla Town Council regarding its appearance.

Specifically, we would like to bring your attention to the condition of the access ramp that services the beach. Several months ago, staff was required to install a dirt ramp in order to provide beach maintenance and lifeguard services. As you may recall, a permanent cement ramp is present but due to erosion and severe weathering, the ramp needed special treatment, therefore a dirt-clay ramp was installed.

Now that the winter months are upon us, we find the dirt ramp being washed away on a daily basis. This action is not only causing the sandy area to harden, but is also creating a serious safety hazard that needs to be eliminated. With this in mind we would like to request that you direct staff to review the existing problems at Children's Pool, and develop a CIP for the construction of a permanent, all-purpose ramp. Our hope is to have the project placed in the 1984-85 CIP budget. This would include estimates on construction, engineering and other costs associated with a project of this magnitude.

We would appreciate a response regarding this matter and a prospective year when you plan to place the CIP in the budget.

HG/ms

EXHIBIT NO. 8

APPLICATION NO.

A-6-LJS-19-0198

Ramp Maintenance

History
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California Coastal Commission

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SAVE
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Children's Pool ramp eroding; harming beach

By BOBBIE JO LEE
Light Staff Writer 9-1-88

The La Jolla Town Council's Parks and Beaches Committee voted unanimously to ask the city for a study of a variety of solutions to the problem of the declining state of the Children's Pool access ramp.

The issue hinges on aesthetics and safety, but area lifeguards say the environment of the beach itself is slowly bearing negative impacts from the ramp.

Lifeguard Joe Barnett told the Aug. 24 committee meeting the

problems began in 1982, after giant swells washed out the existing, mostly asphalt ramp. The ramp was then covered with "10 to 15 truckloads of hard-base red clay" and a top layer of decomposed granite.

He said the continual beat of the ocean then "mulched" with that red clay and turned it into a hard, gelatinous type of fluid and made the red clay kind of seak out toward the beach further... bubbling up like a strange

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RAMP

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kind of oil into a muddy insidious
kind of sand."

"The problem is the Children's Pool beach is now being slowly, completely destroyed because we have an amoeba-like red clay that is forever creeping toward the beach and taking it over," Barnett told a recent committee meeting, attended by several city officials. "Now it's becoming part of the sand."

Barnett said the solution would be to remove the ramp, and this is the issue. Some area residents and lifeguards want the ramp removed, others want it replaced with something akin to concrete. The committee voted unanimously to have the issue extensively studied.

Much of the committee's discussion urged the city to hire "expert consultants." But Terri Carroll, head of the city Parks and Recreation Department's Coastal Division, said the city has talked to various persons about the issue and may consider only an "in-house" look at the problem.

Committee members spoke of health hazards to the public because the ramp is an "unsafe." The gelatinous access may cause bathers to slip and wheelchairs to overturn. But Carroll, other city officials and a representative from City Attorney John Witt's office, stopped short of promising the committee an answer.

They asked how city crews could access the beach for removing kelp and emergency teams tend to the injured? Can the city



The ramp at the Children's Pool is decaying.

ward off personal-injury lawsuits caused by removing the well-used access and leaving behind a steeper, natural bluff?

"There are so many issues; there is no easy answer to this one," said Bill Corbett, Witt's supervising litigation investigator, who added he did consult with "national expert," Dan Gilliam, formerly of the California Parks and Recreation Department. He said Gilliam shares his concern.

"My first reaction was to just

let it erode," Corbett said. "People will get used to having a steeper gradient there. If you take it away immediately, you are going to have people who mistakenly thought, 'Well, we went down here before.' You're going to wind up with a problem. Our concern is a safe, positive recreational experience for everyone."

In reference to current wheelchair-access problems, Corbett asked, "What is the problem of having a lifeguard help them?"

The Fiddles



He also mentioned the necessity for emergency access. But Barnett, lifeguard Mike O'Hare and area activist Toni Ciani all said emergency teams would not need to physically bring their transportation onto the beach itself.

And the ever-growing kelp beds?

Barnett said the lifeguards could easily rake the kelp into piles on a periodic basis. A solution city officials and longtime Children's Pool protector Dolly Bray argued against. Instead, they said, a smaller access ramp could be constructed for city-removal.

Others, such as Ciani and committee chairwoman Gayle Pate suggested "unplugging" the barriers now in place in the pool's sea wall. The holes in the base of the wall originally allowed self-cleaning of the beach, despite the barrier. They were plugged for safety reasons and to avoid erosion of the ramp.



July 31, 2014

To Whom It May Concern,

During my tenure lifeguarding at the Children's Pool from 1969 to 1989, the City of San Diego's beach cleaning team and the San Diego Lifeguard Service had cooperative relationship to ensure that the beaches were safe and clean for the public.

The beach cleaning procedure was performed each Friday at the Children's Pool on a regular basis and also on an 'as-called' basis when the Lifeguards requested additional services. The Baja Road, (road leading to the beach), was maintained diligently by the City of San Diego beach cleaning crew for two different purposes: 1) for heavy machinery to access the beach for the purposes of removing kelp and sand; and 2) for making it safer and easier for people with disabilities to get onto the Children's Pool beach.

At one instance, the City removed tons of sand from the Children's Pool Beach and placed it on the ocean side of the Children's Pool wall in an attempt to maintain the water depth in the Children's Pool for purposes of safe swimming.

The above statement is a true and honest recollection of the reality of events between 1969 and 1989 at the Children's Pool.

Sincerely,

A handwritten signature in cursive script that reads "Joseph Barnett". The signature is written in black ink and includes a long, sweeping horizontal line extending to the right from the end of the name.

Joseph Barnett
Retired Lifeguard