

City Erred in Rejecting Year-Round Rope at Children's Pool in La Jolla

By Michelle (Patch Staff) - February 21, 2013 7:40 am

Court papers filed Wednesday by the city of San Diego say that its Planning Commission erred in rejecting a permit for a year-round rope to protect the harbor seals at the Children's Pool in La Jolla.

The filing by the City Attorney's Office came in a lawsuit filed by two animal rights groups, the Animal Protection and Rescue League and the La Jolla Friends of the Seals.

Seal activist and attorney Bryan Pease said "the city conceded in court papers that the San Diego Planning Commission abused its discretion when it denied the City Council's requested permit for a year round rope to protect the La Jolla seals for a second time, this time after the state Coastal Commission already approved the measure."



He added that, "Last year a judge ruled that the Planning Commission also abused its discretion the first time it denied the permit."

The City Council and California Coastal Commission have both approved the rope for full-time use, but the actual permit was denied by the Planning Commission, which has the final say on some land use issues. Right now, the barrier is only up during pupping season from Dec. 15 to May 15 each year.

The barrier runs across most, but not all, of the opening to the beach and is meant to discourage people from going onto the beach and disturbing newborn seals and their mothers.

The seals are the subject of a long-running dispute between animal rights organizations and beach access advocates, who want the area returned to its original use as a safe swimming area for children. Harbor seals began taking over the spot, deeded to the city in 1931, in the early 1990s.

"The city concedes its Planning Commission erred when it denied the site development permit for an annual rope barrier," Deputy City Attorney George Schaefer wrote in the filing.

The city rejected a request by the nonprofits for attorneys' fees, saying there was no opposition to their demands.

The City Attorney's Office had no immediate comment on the filing.

Source: <http://patch.com/california/lajolla/city-erred-in-rejecting-year-round-rope-at-children-scdc737e39a>