

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 031012

EMERGENCY COASTAL DEVELOPMENT PERMIT NO. 408292
La Jolla Children's Pool Rope Barrier

This Emergency Coastal Development Permit is granted by the City of San Diego to the City of San Diego Park and Recreation Department, Owner/Permittee, reliant on the City Attorney's Memorandum of Law determining that an emergency exists at the La Jolla Children's Pool, dated December 15, 2006, and pursuant to San Diego Municipal Code [SDMC] sections 126.0718 and 143.0126. The site is located at the Children's Pool, west of Coast Boulevard, near Jenner Street in the Coastal Overlay zone of the La Jolla Community Plan.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to install, on an emergency basis, a temporary rope barrier to protect seals during their pupping season, December 15 through May 15, as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated December 15, 2006, on file in the Development Services Department.

The project shall include:

Rope, supporting posts, and footings;

The applicant shall apply for a standard Coastal Development Permit and Site Development Permit for any work authorized by this emergency permit, pursuant to SDMC sections 126.0178 and 143.0126.

All structures shall be maintained in place as shown in exhibits [Exhibit "A"] dated December 15, 2006, on file in the Development Services Department.

All structures approved by this emergency permit shall be kept out of the water at the Children's Pool.

APPROVED by the City of San Diego on December 15, 2006, Resolution No. 5607.

CITY OF SAN DIEGO
RESOLUTION NO. 5607
EMERGENCY COASTAL DEVELOPMENT PERMIT NO. 408292
La Jolla Children's Pool Rope Barrier

WHEREAS, the City of San Diego Park and Recreation Department, Owner/Permittee, applied to the City of San Diego for an emergency permit to install a temporary rope barrier at the La Jolla Children's Pool (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 408292;

WHEREAS, reliant on the City Attorney's Memorandum of Law, dated December 15, 2006, determining that an emergency exists at the La Jolla Children's Pool;

WHEREAS, the project site is located west of Coast Boulevard, near Jenner Street, in the Coastal Overlay Zone of the La Jolla Community Plan;

WHEREAS, installation of the rope barrier is the minimum necessary to stabilize the emergency;

WHEREAS, on December 15, 2006, the City of San Diego considered Emergency Coastal Development Permit No. 408292 pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the City of San Diego as follows:

That the City of San Diego adopts the following written Findings, dated December 15, 2006.

FINDINGS:

Findings for Emergency Coastal Development Permit - Section 126.0718

- 1. A coastal emergency exists that requires action more quickly than would be permitted by the normal procedures for acquiring a Coastal Development Permit and the development can and will be completed within 30 days unless otherwise specified in the permit; and**

There is ample evidence that emergency conditions exist. The City Council, the California Coastal Commission, and the National Oceanic and Atmospheric Administration (NOAA) have all newly indicated it is important to get the rope barrier up by December 15, 2006 in order to protect the seals and the public. The regular permitting process will not allow the replacement of the rope barrier by that time. The rope barrier is needed immediately to protect public health and safety and to mitigate for damage to life, health and essential public services by preventing human-to-human conflicts and violence, by preventing seal harassment and associated harm to seals and humans, and by allowing lifeguards to focus on protecting swimmers from danger and drowning. The rope barrier was previously erected within days of authorization and can be replaced well within the 30 day limit on completion time. It must be erected by December 15, 2006, or as soon as possible, and remain up through May 15, 2007. It has been determined that the installation of the rope barrier is the minimum necessary to stabilize the emergency. In addition, as required by SDMC Section 126.0718, a standard Coastal Development Permit and Site Development Permit will be applied for by the applicant. Therefore, a coastal emergency exists that

requires action more quickly than would be permitted by the normal procedures for acquiring a Coastal Development Permit and the development can and will be completed within 30 days unless otherwise specified in the permit.

2. Public comment on the proposed coastal emergency action has been solicited and reviewed to the extent feasible; and

The placement of this rope barrier during pupping season and additionally from December 15th through December 31st and from May 1st through May 15th annually has been open for public comment extensively. In the last City Council meeting on December 5, 2006, the Park and Recreation Department presented oral testimony regarding the need to evaluate expediting permitting procedures in order to effectuate the City Council's action. Public comment was received on the issue of the permit. The City Council at the December 5, 2006 meeting directed the Park and Recreation Department staff to make every effort to get the permits required for the rope placement. Now, City Council is in legislative recess, and the December 15th date is rapidly approaching. The California Coastal Commission has indicated that it would be appropriate to take emergency action to replace the rope barrier as was newly directed by NOAA. Thus, it would be appropriate for the City to also deem it necessary to authorize an Emergency Coastal Development Permit.

3. The proposed emergency work is consistent with the Local Coastal Program.

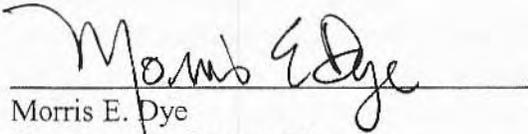
The replacement of the rope barrier is consistent with the Local Coastal Program. The Local Coastal Program is an implementation of the California Coastal Act on the local level. The Coastal Act provides the Coastal Zone is a delicately balanced eco-system and that development needs to be carefully planned to protect the resources. Cal Pub Resources Code Section 30001. In addition, the goals of the Coastal Act are to:

- (a) Protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.
- (b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- (c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.
- (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.
- (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

Cal Pub Resources Code Section 30001.5. The stat legislature declared that where there are conflicts between these goals created by proposed development, such conflicts should be resolved in a way that is "the most protective of significant coastal resources" and "specific wildlife habitat." Cal Pub Resources Code Section 30007.5. Thus, it is consistent with the Local Coastal Program to replace the rope barrier because it better protects the seals and their habitat. The public may still access the beach up to the rope barrier, and the rope will only be erected on a seasonal basis so that it allows the maximum appropriate

public access consistent with sound conservation principles. Therefore, the proposed emergency work is consistent with the Local Coastal Program.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the City of San Diego, Emergency Coastal Development Permit No. 408292 is hereby GRANTED by the City of San Diego to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 408292 a copy of which is attached hereto and made a part hereof.



Morris E. Dye
Development Project Manager
Development Services

Adopted on: December 15, 2006

Job Order No. 031012

cc: Legislative Recorder, Planning Department