



San Diego City Attorney Mara W. Elliott

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Contact: [Gerry Braun](mailto:gbraun@sandiego.gov) at gbraun@sandiego.gov or (619) 533-4782

South Mission Beach to Get New Lifeguard Tower As Appellate Court Backs City Attorney

An appellate court ruled today that a Superior Court judge erred when she blocked construction of a new lifeguard tower for South Mission Beach in 2015.

The ruling clears the way for construction of the long-planned public-safety project.

In a complete reversal of the lower court, the Fourth Appellate District Court of Appeal ruled that the lifeguard tower's Site Development Permit was valid and had not expired as the project opponent had claimed. The appellate court also ruled that the plaintiff's suit was filed too late. The case could have been reversed on either of those grounds, it ruled.

The City Attorney's Office argued both of those points in 2015, but to no avail. The adverse ruling from Superior Court Judge Katherine A. Bacal in December 2015 kept the project from being constructed last year.

The three-story tower will replace a 40-year-old wooden structure that is too small to serve Mission Beach, one of the most popular beaches in the nation. The new tower will provide better views of the water and accommodate additional lifeguards and equipment.

“This is an important victory because it means better lifeguard coverage on one of our busiest beaches and safer swimming conditions for our residents and visitors,” City Attorney Mara Elliott said. **“Just as important, it reaffirms earlier rulings that unequivocally support the City's right to move forward with public projects as financing and approvals allow.”**

The first public workshops on the project were held in 2003 and it received unanimous support from the Mission Beach Precise Planning Board in 2005. City permits were approved in 2006, but momentum was slowed by the economic downturn of 2008. Nonetheless, the City moved forward with the project, which was regarded as a public-safety priority.

A leading opponent of the project had complained in 2015 that the new tower was directly in his residence's ocean view, and proposed moving it further to the south.

The case was handled for the City by Deputy City Attorney Jana Mickova Will, at the Superior Court and the Court of Appeals.

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